

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON TUESDAY THE THIRTY-
FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1833, AND
OF THE COMMONWEALTH THE FORTY-SECOND.

FRANKFORT:

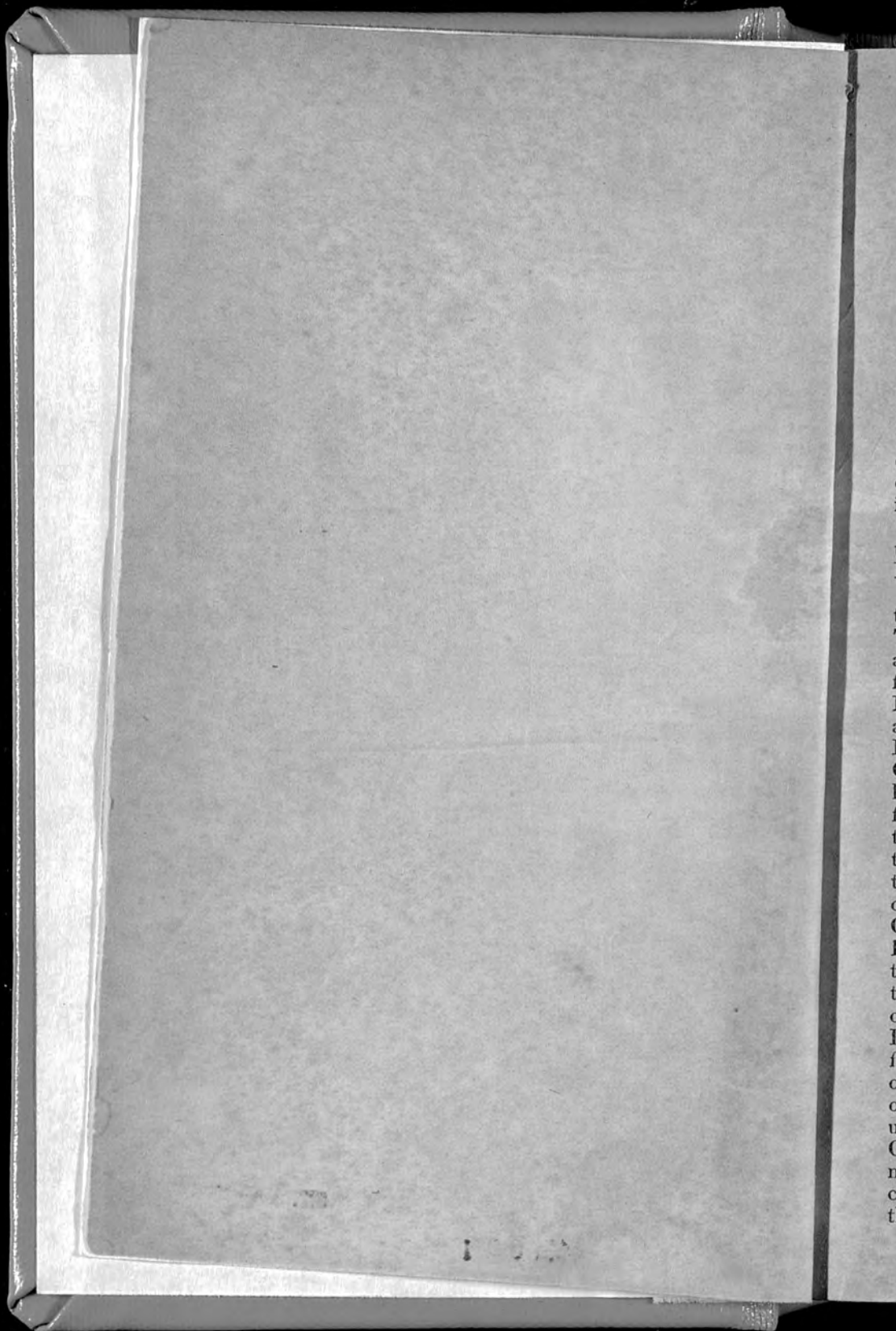
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

At a General Assembly, begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Tuesday the 31st day of December, in the year of our Lord 1833, and in the 42nd year of the Commonwealth.

On which day, (being that appointed by law for the meeting of the General Assembly,) the following members of the House of Representatives appeared, viz:

From the county of Adair, Francis Montgomery; from the county of Allen, Robert H. Paris; from the county of Anderson, Thomas J. White; from the county of Bourbon, Garret Davis and John Cunningham; from the county of Bracken, John Culp; from the county of Bullitt, George F. Pope; from the county of Bath, Samuel Stone; from the county of Barren, Samuel Murrel and Thomas J. Helm; from the counties of Breckinridge and Hancock, William Sterett; from the county of Boone, Jeremiah Garnett; from the county of Campbell, Jefferson Phelps and William Sayers; from county of Caldwell, David W. McGoodwin; from the county of Cumberland, William Cheek; from the county of Christian, James C. Clarke and Joseph B. Crockett; from the county of Clarke, Samuel Hanson and John B. Ryon; from the counties of Clay and Harlan, Hiram Jones; from the counties of Calloway and McCracken, John Irvine; from the county of Casey, George C. Riffe; from the county of Daviess, John B. Hinton; from the counties of Estill and Perry, Henry Duff; from the county of Fleming, Dorsey K. Stockton and John Heddleston; from the county of Franklin, John J. Marshall; from the county of Fayette, Gwyn R. Tompkins, Leslie Combs and John R. Dunlap; from the counties of Floyd and Pike, Samuel May; from the county of Garrard, Alexander Sneed; from the county of Green, Alfred Anderson and John P. White; from the county of Greenup, Samuel Seaton; from the county of Gallatin, Samuel S. English; from the counties of Graves and Hickman, Levi Calvert; from the counties of Grant and Pendleton, Abraham Jonas; from the county of Grayson, Charles Wortham; from the county of Harrison, John Trimble and Solomon C. Perrin; from the counties of Hardin and Meade, Jno L. Helm and Jno. S. Cul-

ly; from the county of Hart, James M. Gardner; from the county of Hopkins, Charles Bradley; from the county of Henderson, George Morris; from the county of Henry, Benjamin Allen and Elijah F. Nuttall; from the county of Jefferson, Larz Anderson and Charles L. Harrison; from the city of Louisville, Walker Alsop and Mortimer R. Wigginton; from the county of Jessamine, J. W. S. Mitchell; from the counties of Knox and Whitely, Demsey White; from the counties of Lawrence and Morgan, Joseph R. Ward; from the county of Lincoln, Logan Hunton and Adam Wilson; from the county of Lewis, Thomas Henderson; from the county of Livingston, William Johnson; from the county of Logan, Presley Morehead and Richard B. Slaughter; from the counties of Laurel and Rockcastle, Charles Colyer; from the county of Mason, Winslow Parker, David Morris and James Byers; from the county of Monroe, John S. Barlow; from the county of Mercer, James Morgan; from the county of Madison, Edmund L. Shackelford and Andrew Cruse; from the county of Montgomery, Charles S. Gatewood and Josiah Davis; from the county of Muhlenburg, John F. Coffman; from the county of Nelson, Charles A. Wickliffe and William J. Merrifield; from the county of Oldham, Philip C. S. Barbour; from the county of Ohio, Elijah Crow; from the county of Owen, Thomas B. Dillon; from the county of Pulaski, Thomas Jasper; from the county of Russell, Nathan McClure; from the county of Shelby, Isham T. Underwood and Andrew S. White; from the county of Scott, William Johnson and Job Stevenson; from the county of Simpson, John W. Williams; from the county of Spencer, John Cochran; from the county of Todd, Richard B. New; from the county of Union, William Grundy; from the county of Warren, Jacob Vanmetre and John F. Todd; from the county of Woodford, John Watkins; from the county of Washington, Peter Brown, Joseph P. Knot and Robert Mitchell; from the county of Wayne, Sherrod Williams.

Who, constituting a quorum, and having severally taken the oaths prescribed by the constitution of the United States and the constitution and laws of this state, repaired to their seats.

Mr. Marshall nominated Mr. Leslie Combs as a proper person to fill the office of Speaker, during the present session: Mr. Cheek nominated Mr. Sherrod Williams: Mr. Sterett nominated Mr. John L. Helm: and Mr. Morehead nominated Mr. Richard B. New: and upon taking a vote, it stood thus.

For Mr. LESLIE COMBS—Messrs. Byers, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Phelps, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Underwood, Watkins, D. White, Wigginton, Wilson—34.

For Mr. SHERROD WILLIAMS—Messrs. Cheek, Colyer, Jasper, McClure, May, Montgomery, Jas. Morgan, Nuttall, Perrin, and Riffe—10.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Knot, Merrifield, R. Mitchell, Pope, Sayers, Sterett, Trimble, A. S. White, J. P. White, Wickliffe, and Wortham—19.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Dillon, Grundy, Irvine, Johnson of Livingston, McGoodwin, Morehead, G. Morris, Murrell, Paris, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, and J. W. Williams—28.

No one in nomination having obtained a majority of all the votes given, the House proceeded to a second vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Colyer, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hinton, Johnson of Scott, Jonas, Jones, McClure, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Watkins, D. White, Wigginton, and Wilson—36.

For Mr. SHERROD WILLIAMS—Messrs. Cheek, Jas. Morgan, Nuttall, and Riffe—4.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Jasper, Merrifield, R. Mitchell, Perrin, Phelps, Pope, Sayers, Sterett, A. S. White, J. P. White, Wickliffe, and Wortham—20.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Dillon, Grundy, Irvine, Johnson of Livingston, Knot, McGoodwin, May, Montgomery, Morehead, G. Morris, Murrell, Paris, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, and J. W. Williams—31.

No one having obtained a majority of all the votes given, the House proceeded to a third vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Colyer, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hinton, Hinton, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Watkins, D. White, Wigginton, and Wilson—36.

For Mr. SHERROD WILLIAMS—Messrs. Cheek, McClure, and Nuttall—3.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Culley,

English, Gardner, T. J. Helm, Henderson, Jasper, Knot, Merrifield, R. Mitchell, Perrin, Phelps, Pope, Sayers, Sterett, A. S. White, J. P. White, Wickliffe, and Wortham—20.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Dillon, Grundy, Irvine, Johnson of Livingston, McGoodwin, May, Montgomery, Morehead, Jas. Morgan, G. Morris, Murrell, Paris, Riffe, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, and J. W. Williams—32.

No one on nomination having obtained a majority of all the votes given, (after having a recess,) the House proceeded to a fourth vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hinton, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, Wigginton, and Wilson—31.

For Mr. SHERROD WILLIAMS—Messrs. A. Anderson, Cheek, Colyer, English, Gardner, Jasper, Johnson of Scott, McClure, May, Montgomery, Jas. Morgan, Nuttall, Perrin, Phelps, Sayers, Stevenson, and J. P. White—17.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Culley, T. J. Helm, Henderson, Hinton, Knot, Merrifield, R. Mitchell, Pope, Sterett, Trimble, A. S. White, Wickliffe, and Wortham—15.

For Mr. RICHARD B. NEW—Messrs. Alsop, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Dillon, Grundy, Irvine, Johnson of Livingston, McGoodwin, Morehead, G. Morris, Murrell, Paris, Riffe, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, and J. W. Williams—28.

No one on nomination having obtained a majority of all the votes given, the House proceeded to a fifth vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, and Wilson—29.

For Mr. SHERROD WILLIAMS—Messrs. Allen, A. Anderson, Barlow, Cheek, Colyer, Jasper, Johnson of Scott, McClure, May, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Riffe, Sayers, Stevenson, Ward, and J. P. White—20.

For Mr. JOHN L. HELM—Messrs. Barbour, Crow, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Knot, Merrifield, R. Mitchell, Pope, Sterett, Trimble, A. S. White, Wickliffe, and Wortham—17.

For Mr. RICHARD B. NEW—Messrs. Alsop, L. Anderson, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, Hunton, Irvine, Johnson of Livingston, McGoodwin, Morehead, G. Morris, Murrell, Slaughter, Stone, Todd, Vanmetre, T. J. White, Wigginton, and J. W. Williams—25.

No one having obtained a majority of all the votes, the name of Mr. S. Williams was then withdrawn from the nomination, on the motion of Mr. Cheek; when the House proceeded to a sixth vote, between the three persons remaining on nomination, which stood thus:

For Mr. LESLIE COMBS—Messrs. L. Anderson, Byres, Cheek, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, Wigginton, and A. Wilson—32.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Colyer, Crow, Culley, Culp, English, Gardner, T. J. Helm, Henderson, Hinton, Jasper, Johnson of Scott, Merrifield, R. Mitchell, Nuttall, Perrin, Phelps, Pope, Sayers, Sterett, Stevenson, Trimble, A. S. White, J. P. White, Wickliffe, S. Williams, and Wortham—28.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, Irvine, Johnson of Livingston, Knot, McClure, McGoodwin, May, Montgomery, Morehead, Jas. Morgan, G. Morris, Murrell, Paris, Riffe, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, and J. W. Williams—32.

No one having yet obtained a majority of all the votes given, the House proceeded to a seventh vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Jonas, Jones, Marshall, J. W. S. Mitchell, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, and Wilson—31.

For Mr. JOHN L. HELM—Messrs. Allen, A. Anderson, Barbour, Crow, Culley, Culp, English, Gardner, T. J. Helm, Henderson, Hinton, Jasper, Johnson of Scott, Merrifield, R. Mitchell, Montgomery, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Sterett, Stevenson, Trimble, A. S. White, J. P. White, Wickliffe, S. Williams, and Wortham—30.

For Mr. RICHARD B. NEW—Messrs. Alsop, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, Irvine, Johnson of Livingston, Knot, McClure, McGoodwin, May, Morehead, Jas. Morgan, G. Morris, Murrell, Riffe, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, Wigginton, and J. W. Williams—31.

And then the house adjourned.

WEDNESDAY, JANUARY 1, 1834.

The House met pursuant to adjournment.

Mr. John S. Morgan, a member returned to serve in this House from the county of Nicholas, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution of the United States, and the constitution and laws of this state, took his seat.

The House then proceeded to the election of a Speaker, between those remaining on nomination at the adjournment on yesterday, when the vote stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackelford, Stockton, Tompkins, Trimble, Underwood, Watkins, D. White, and Wilson—31.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Barlow, Colyer, Crow, Culley, Culp, English, Gardner, T. J. Helm, Henderson, Hinton, Jasper, Johnson of Scott, Merrifield, R. Mitchell, Nuttall, Perrin, Phelps, Pope, Sayers, Sneed, Sterett, Stevenson, A. S. White, J. P. White, Wickliffe, and Wortham—28.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, Irvine, Johnson of Livingston, Knot, McClure, McGoodwin, May, Montgomery, Morehead, Jas. Morgan, G. Morris, Murrel, Paris, Riffe, Slaughter, Stone, Todd, Vanmetre, Ward, T. J. White, Wigginton, J. W. Williams, and S. Williams—34.

No one having received a majority of all the votes given, the house proceeded to take another vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Perrin, Ryon, Seaton, Shackelford, Stockton, Tompkins, Trimble, Underwood, Vanmetre, Watkins, D. White, and Wilson—35.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Brown, Culley, Culp, English, Gardner, T. J. Helm, Henderson, Hinton, Jasper, Merrifield, R. Mitchell, Jas. Morgan, Nuttall, Paris, Phelps, Pope, Sayres, Sneed, Sterett, Stevenson, A. S. White, J. P. White, Wickliffe, and Wortham—26.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Dillon, Grundy, Irvine, Johnson of Livingston.

Knot, McClure, McGoodwin, May, Montgomery, Morehead, G. Morris, Murrell, Riffe, Stone, Todd, Ward, T. J. White, Wigginton, J. W. Williams, and S. Williams—31.

No one having yet received a majority of all the votes given, the house proceeded to take another vote between those on nomination, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, W. Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Watkins, D. White, and Wilson—34.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Brown, Colyer, Crow, Cully, Culp, English, Gardner, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Merrifield, R. Mitchell, Jas. Morgan, Nuttall, Phelps, Pope, Sayers, Sterett, Vanmetre, A. S. White, J. P. White, Wickliffe, S. Williams, and Wortham—28.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, W. Johnson of Livingston, Knot, McClure, McGoodwin, May, Montgomery, Morehead, G. Morris, Murrell Paris, Perrin, Riffe, Slaughter, Stone, Todd, Ward, T. J. White, Wigginton, and J. W. Williams—31.

No one on the last vote, having received a majority of all the votes given, the house proceeded to take another vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, W. Johnson of Scott, Jonas, Jones, Marshall, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Vanmetre, Watkins, D. White, and Wilson—34.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Brown, Colyer, Crow, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Irvine, Knot, Merrifield, R. Mitchell, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Sterett, A. S. White, J. P. White, Wickliffe, S. Williams, and Wortham—28.

For Mr. RICHARD B. NEW—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Crockett, Culp, Dillon, Grundy, Jasper, Johnson of Livingston, McClure, McGoodwin, May, J. W. S. Mitchell, Montgomery, Morehead, G. Morris, Murrell, Riffe, Slaughter, Stone, Todd, Ward, T. J. White, Wigginton, and J. W. Williams—31.

No one having yet received a majority of all the votes given, Mr. White (of Anderson,) moved the following resolution:

Resolved, That in the succeeding ballottings which shall take place for speaker of this house, the individual receiving the lowest number of votes shall be dropped until the number is reduced to two; from whom the selection can be made.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required on the adoption of said resolution by Messrs. Colyer and Morris (of Mason,) were as follows, viz:

YEAS—Messrs. A. Anderson, L. Anderson, Barlow, Cheek, Clarke, Coffman, Crockett, Cruse, Dillon, Garnett, Grundy, Harrison, Heddleston, Hunton, Irvine, Jasper, Johnson of Livingston, Jones, Knot, McClure, McGoodwin, May, Morehead, G. Morris, Paris, Perrin, Riffe, Sayers, Slaughter, Stone, Todd, Trimble, Vanmetre, Ward, J. P. White, T. J. White, and J. W. Williams—37.

NAYS—Messrs. Allen, Alsop, Barbour, Bradley, Brown, Byers, Calvert, Cochran, Colyer, Crow, Culley, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, English, Gardner, Gatewood, Hanson, T. J. Helm, Henderson, Hinton, Johnson of Scott, Jonas, Marshall, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Murrell, Nuttall, Parker, Phelps, Pope, Ryon, Seaton, Shackleford, Sneed, Sterett, Stevenson, Stockton, Tompkins, Underwood, Watkins, A. S. White, D. White, Wickliffe, Wigginton, S. Williams, Wilson, and Wortham—56.

Mr. S. Williams then nominated Mr. Elijah F. Nuttall for the office of Speaker, in addition to those already nominated.

The House then proceeded to take another vote between those on nomination, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Heddleston, Hunton, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackleford, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, and Wilson—31.

For Mr. JOHN L. HELM—Messrs. Barbour, T. J. Helm, Henderson, Merrifield, R. Mitchell, Pope, Sterett, A. S. White, Wickliffe, and Wortham—10.

For Mr. RICHARD B. NEW—Messrs. Alsop, L. Anderson, Barlow, Bradley, Brown, Clarke, Cochran, Coffman, Crockett, Grundy, Hinton, Irvine, Johnson of Livingston, McClure, McGoodwin, Morehead, G. Morris, Murrell, Riffe, Slaughter, Todd, Vanmetre, Wigginton, and J. W. Williams—24.

For Mr. ELIJAH F. NUTTALL—Messrs. Allen, A. Anderson, Calvert, Crow, Cully, Culp, Dillon, English, Gardner, Harrison, Jasper, Johnson of Scott, Knot, May, Montgomery, Jas. Morgan,

Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White, T. J. White, and S. Williams—27.

No one having received a majority of all the votes given, the house proceeded to take another vote, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Heddleston, Hunton, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stockton, Tompkins, Underwood, Watkins, A. S. White, D. White, and Wilson—31.

For Mr. JOHN L. HELM—Messrs. Barbour, Culley, T. J. Helm, Henderson, Merrifield, Sterett, Wickliffe, and Wortham—8.

For Mr. RICHARD B. NEW—Messrs. Alsop, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Crockett, Grundy, Hinton, Johnson of Livingston, McClure, McGoodwin, Morehead, G. Morris, Murrell, Pope, Riffe, Slaughter, Todd, Vanmetre, Wigginton, and J. W. Williams—24.

For Mr. ELIJAH F. NUTTALL—Messrs. Allen, A. Anderson, Coffman, Crow, Culp, Dillon, English, Gardner, Harrison, Irvine, Jasper, Johnson of Scott, Knot, May, R. Mitchell, Jas. Morgan, Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White, T. J. White, and S. Williams—27.

Mr. Anderson (of Green,) then moved the following resolution:

Resolved, That in the future ballotings for Speaker, the rule be adopted to drop the candidate having the smallest number of votes,

And the question being taken on the adoption thereof, it was decided in the negative. The name of Mr. Nuttall being withdrawn from the nomination, the House proceeded to take another vote between those remaining on nomination, which stood thus:

For Mr. LESLIE COMBS—Messrs. Alsop, Byers, Cheek, Colyer, Crockett, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hunton, Johnson of Scott, Jonas, Jones, McGoodwin, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackelford, Sneed, Stevenson, Stockton, Todd, Tompkins, Trimble, Underwood, Watkins, A. S. White, D. White, and Wilson—40.

For Mr. JOHN L. HELM—Messrs. Allen, Barbour, Brown, Crow, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Knot, Merrifield, R. Mitchell, Jas. Morgan, Perrin, Phelps, Pope, Sterett, Wickliffe, Wigginton, S. Williams, and Wortham—22.

For Mr. RICHARD B. NEW—Messrs. A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Culp, Dillon, Grundy, Irvine, Jasper, Johnson of Livingston, McClure, May, Montgomery, Morehead, G. Morris, Murrell, Nuttall, Paris, Riffe, Sayers, Slaughter, Stone, Vanmetre, Ward, J. P. White, T. J. White, and J. W. Williams—31.

Mr. Nuttall then nominated Mr. Abraham Jonas for the office of Speaker in addition to those already in nomination.

The House then proceeded to take a vote, between those on nomination, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hinton, Jones, McGoodwin, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Parker, Ryon, Seaton, Shackleford, Sneed, Stevenson, Stockton, Tompkins, Underwood, Watkins, A. S. White, D. White, Wilson—36.

For Mr. JOHN L. HELM—Messrs. Allen, Alsop, Barbour, Brown, Crow, Culley, English, Gardner, T. J. Helm, Henderson, Hinton, Knot, Merrifield, R. Mitchell, Pope, Sterett, Wickliffe, Wigginton, and Wortham—19.

For Mr. RICHARD B. NEW—Messrs. A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Crockett, Dillon, Grundy, Irvine, Johnson of Livingston, McClure, May, Montgomery, Morehead, Jas. Morgan, Murrell, Paris, Riffe, Slaughter, Todd, Trimble, Vanmetre, Ward, J. P. White, T. J. White, J. W. Williams and S. Williams—30.

For Mr. ABRAHAM JONAS—Messrs. Jasper, Johnson of Scott, Nuttall, Perrin, Phelps, Sayers, and Stone—7.

No one having received a majority of all the votes given, the names of Abraham Jonas and John L. Helm were then withdrawn from nomination—and the House then proceeded to take a vote between the persons remaining, which stood thus:

For Mr. LESLIE COMBS—Messrs. Byers, Cheek, Colyer, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Harrison, Heddleston, Hinton, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, Parker, Ryon, Seaton, Shackleford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Watkins, A. S. White, D. White, Wigginton, and Wilson—38.

For Mr. RICHARD B. NEW—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Barbour, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Crockett, Crow, Culley, Dillon, English, Gardner, Grundy, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, May, Merrifield, R. Mitchell, Montgomery, Morehead, Jas. Morgan, G. Morris, Murrell, Nuttall, Paris, Perrin, Phelps, Pope, Riffe, Sayers, Slaughter, Sterett, Stone, Todd, Vanmetre, Ward, J. P. White, T. J. White, Wickliffe, J. W. Williams, S. Williams, and Wortham—56.

A majority of all the votes given, appearing in favor of Mr. Richard B. New, he was thereupon declared duly elected, and conducted to the Chair, from whence he returned thanks for the

honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Robert S. Todd was *unanimously* elected Clerk; and Mr. Joseph Gray, Sergeant at Arms.

Mr. S. Williams nominated Mr. William B. Holeman as a proper person to fill the office of Door-keeper; and Mr. Hanson nominated Mr. John Buford; and upon taking a vote, it stood thus:

For Mr. HOLEMAN—Messrs. Alsop, L. Anderson, Barbour, Barlow, Brown, Byers, Cheek, Clarke, Cochran, Colyer, Combs, Culley, Cunningham, G. Davis, J. Davis, Dillon, Dunlap, Garnett, Gatewood, Heddleston, Hinton, Hunton, Irvine, Knot, McClure, McGoodwin, Marshall, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, D. Morris, Nuttall, Parker, Pope, Riffe, Ryon, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stockton, Tompkins, Underwood, A. S. White, D. White, Wigginton, J. W. Williams, S. Williams, Wilson, and Wortham—52.

For Mr. BUFORD—Messrs. Allen, A. Anderson, Bradley, Calvert, Coffman, Crockett, Crow, Cruse, Culp, Duff, English, Gardner, Grundy, Hanson, Harrison, J. L. Helm, T. J. Helm, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Murrell, Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Todd, Trimble, Vanmetre, Ward, Watkins, J. P. White, T. J. White, and Wickliffe—42.

A majority of all the votes given, appearing in favor of Mr. William B. Holeman, he was thereupon declared duly elected.

A message from the Senate by Mr. Daviess.

Mr. Speaker, I am directed to inform this house, that the Senate having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business.

And then he withdrew.

Ordered, That a message be sent to the Senate, informing that body that this House, having met, formed a quorum and elected its officers, is now ready to proceed to legislative business: and that Mr. Combs carry the said message.

Mr. Jonas moved the following resolution:

Resolved, That the Clerk of this House, appoint some qualified person to act as his assistant during the present session.

Which being twice read, was disagreed to.

Ordered, That the rules of the last be adopted as those of the present session; and that the public printer forthwith print 150 copies thereof, for the use of the members of this house.

Ordered, That Messrs. Phelps, Marshall, Wickliffe and White (of Anderson,) be appointed a committee on the part of this house, to act in conjunction with such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him, that the General Assembly has convened, and is now ready to re-

ceive any communication he may think proper to make. That Mr. Phelps inform the Senate thereof, and request the appointment of a committee on their part.

A message from the Senate by Mr. Wingate.

Mr. Speaker—I am directed by the Senate to inform this house, that the Senate have appointed a committee on their part, to act in conjunction with the committee appointed on the part of this house, to wait on the Governor, and inform him that the General Assembly has convened and is now ready to receive any communication he may think proper to make.

And then he withdrew.

Mr. Marshall moved to obtain leave to bring in a bill to establish the "State Bank of Kentucky." And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Marshall, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Barbour, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Cruse, Culley, G. Davis, Dillon, Duff, Dunlap, English, Gardner, Garnett, Grundy, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Riffe, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, and S. Williams—83.

NAYS—Mr. SPEAKER, Messrs. Brown, Cunningham, J. Davis, Gatewood, Hanson, Ryon, J. W. Williams, Wilson, and Worthington—10.

Ordered, That Messrs. Marshall, Phelps, Crockett, Jonas, Haskin, A. Anderson, and White (of Anderson,) be appointed a committee to prepare and bring in said bill.

Mr. Nuttall moved to obtain leave to bring in "a bill to repeal an act entitled an act laying off the state of Kentucky into Congressional Districts."

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Hanson, were as follows, viz.

YEAS—Mr. SPEAKER, Messrs. Allen, Alsop, A. Anderson, L. Anderson, Barbour, Barlow, Bradley, Brown, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett,

Crow, Cruse, Culp, Cunningham, Dillon, Duff, English, Gardner, Garnett, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Seaton, Sterett, Stevenson, Stone, Todd, Trimble, Vanmetre, Ward, A. S. White, J. P. White, T. J. White, and Wigginton—63.

NAYS—Messrs. Culley, G. Davis, J. Davis, Gatewood, Grundy, Hanson, Irvine, Jones, Marshall, Merrifield, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Sneed, Stockton, Tompkins, Underwood, Watkins, D. White, Wickliffe, J. W. Williams, S. Williams, Wilson, and Wortham—29.

Ordered, That Messrs. Nuttall, Dunlap, Jasper, Todd, Anderson (of Jefferson,) Phelps and Davis (of Bourbon,) be a committee to prepare and bring in said bill.

On the motion of Mr. S. Williams,

Ordered, That leave be given to bring in a "a bill for the benefit of the Sheriff of Wayne county."

And that Messrs. Williams, Colyer, White (of Anderson,) and Brown be a committee to prepare and bring in the same.

Mr. Williams then presented a bill under the title aforesaid, which was received and read the first time and ordered to be read a second time.

And the rule of the House, constitutional provision and second reading of said bill having been dispensed with, the same was committed to a select committee of Messrs. S. Williams, Wickliffe, Sayers, Helm (of Barren,) and White (of Anderson.)

Mr. Phelps from the joint committee appointed to wait on the Governor, reported that the committee had discharged the duty assigned them, and delivered the message of the house, and were informed by the Governor, that he would forthwith communicate his Message to both houses of the General Assembly, in their respective chambers.

A message from the Governor, by Mr. Sanders, Secretary of State.

Mr. Speaker—I am directed by the Governor to lay before this house, a message in writing, accompanied by sundry documents.

And then he withdrew.

The said message and documents were then taken up and read as follows, viz:

GENTLEMEN OF THE SENATE,

AND OF THE HOUSE OF REPRESENTATIVES:

By the permission of the great Ruler of the Universe, we have met for the purpose of communing in order to advance the public good; a trust, filled with great responsibility. To be the guardians in a great degree, of a state like Kentucky, with a population of 800,000 persons, presents considerations of no ordinary magnitude.

At no period of our political history has it happened, that the citizens of our state have suffered by severe malignant disease as during the past year. In many sections of the Commonwealth, the dreadful epidemic which has visited almost every quarter of the Globe, and taken off more than fifty millions of inhabitants, remained for several weeks, carrying with it dismay, desolation and death. Long will the melancholy events of the past year be remembered by those who survive; many, many of our most valuable and interesting citizens have gone to that "country from whose bourne no traveller returns"—the busy scenes and bustle of life are, to them, no more; hushed and stilled by the cold hand of death: but it must be so: it was not the will of Heaven that the "cup" should "pass away." I am pleased, however, to be able to state that the country, at present, enjoys good health—perhaps to a greater extent than usual; for which, and the many other blessings we enjoy, religious and civil, we should be filled with thanks to the author of all good, and implore Him to continue his kindness towards us.

Our state exhibits a prosperous condition: our farmers have had the usual results in quality, and abundance from their agricultural pursuits. Lands have risen in price; our commerce with the other states is active; and the commodities for sale, vended generally at higher prices than those which have been obtained for several years past.

In pursuance of the several laws to that effect, I have subscribed, on behalf of the Commonwealth, fifty thousand dollars of stock in the Washington, Maysville, Paris and Lexington turnpike road company: fifteen thousand dollars in the stock of the board of Internal Improvements for Shelby county; and fifteen thousand dollars in the stock of the board of Internal Improvements for Franklin county. It is believed that those roads will be finished for tra-

vel during the present year. The subscription of fifty thousand dollars directed to be made in stock of the Louisville and Elizabethtown Turnpike has not been entered, because a like sum had not been subscribed by individuals as required by the act of incorporation.

The commissioners, appointed to superintend the improvement of the navigation of Green River, have employed competent engineers, who have made a survey and estimate of the costs of clearing the obstructions in said river, whose report will, no doubt, be laid before you. I am advised that the commissioners will proceed early in the spring to the execution of the trust reposed in them.—There will be a small appropriation needed in addition to the sum allowed at the last session. As this is an improvement of great value to a considerable portion of the Commonwealth, and as it has already the patronage of the state, I flatter myself that the subject will meet a liberal reception on your part.

The undertaking on the part of the state on behalf of the Lexington and Ohio rail road, by which it became security for that company for the sum of one hundred and fifty thousand dollars, has been entered into, in pursuance of a law of the last session.—Whether the loan has been negotiated in full or not, I have not been advised.

There has been much energy displayed by the company during the last year, and it is expected that the road will be finished from Lexington to this place by mid-summer. From the energy and ability of the gentleman who is at the head of the corporation, there is no doubt that this highly valuable work will progress as rapidly as possible.

The subject of the revenue will necessarily demand your particular attention. The resources of every government should be at least equal to its necessary economical disbursements; *this* the people expect and are willing to contribute to that amount. They know that their government must be sustained, and, that if there be a deficit in one year, it must be made up the next, or some time thereafter. The auditor of public accounts will exhibit his report, from which, you will discover that there has been an annual deficit in the revenue for the last ten years, and that there will be one the present year, including the appropriations made at the last session to the turnpike road companies, and to remove the obstruc-

tions in Green river, to a considerable extent. We should not be surprised that such has been and is the state of the treasury, when we reflect that so many sources of revenue, heretofore productive, have been annihilated, or are available to a very limited extent—such as the dividends accruing to the state for its stock in the Bank of Kentucky, and of the Commonwealth—the tax upon stockholders; the money arising from the sales of head right lands; a diminution in the amount received for lands west of Tennessee; amounting in the whole to a very considerable sum. Whilst this process was going on, the “wheels of the government” rolled onward; the civil list was paid; the capital of the state was, of necessity, rebuilt, and some appropriations were, by way of subscription, made to works of internal improvement. From all which it is readily perceived, how it is, that the treasury has been and now is so much in arrear. According to the view that has been taken of the law as it now exists, the officers of the government have no power to collect the revenue due for the year 1832. I submit to your consideration, whether it would not be most advisable to apportion the amount due for that year among some two or three subsequent years, in order to lessen the burden, and relieve the people from the necessity of paying a double tax, which would be the result if the whole revenue of 1832 should be collected with that of the present year. Although the law entitled “An act to amend the revenue laws, approved December 23, 1831,” has many valuable provisions, I doubt the policy of that part of it which requires the appointment, *biennially*, of the commissioners of tax. It is impossible for the clerks of the different county courts to furnish the sheriffs with the different changes that may have occurred in the tax list of a given year; our citizens are enterprising, many changes of property take place in the course of a year, many citizens migrate from the state; and their places are filled by emigrants from other states. In what way is the clerk to obtain the necessary information that he may furnish a list to the sheriff for the second year?—The people, many of them, will not know that it is their duty to go to the clerk’s office and furnish their list of taxable property, or, have it corrected if any changes have occurred, and many who may know it, will omit it. They have been accustomed to be waited on upon such occasions. I have no question, from the information received upon the subject, that the change will result in

a loss to the state of a much greater amount than the pay of the commissioners, had they been appointed annually, as was the case before the passage of the law referred to. The collection, being made the same year that the property is assessed by the commissioners of the tax, will have a salutary influence upon the revenue; the delinquent list will be comparatively small, to what it was when the collection was made the year after.

Few states have been more liberal to their non-resident land holders than ours, yet, when we require a tax from them on their lands, the same that is paid by our own citizens, not a third or a fourth as much as is paid in many of the other states, we find a negligence and inattention to the subject, in many instances highly culpable. It will be ascertained that there stands forfeited to the state, of non-residents lands, several millions of acres, and that the tax and interest due thereon amount to two hundred and eighty thousand dollars; that in some instances, not a cent has been paid since the commencement of the government, and, in many cases, not for several years. We should act upon the subject, and take some efficient step, under a hope, that those who are interested in the matter, will no longer delay the payment of the tax upon their lands. I would suggest the passage of a law allowing, say two years, for the payment of the amount due, with an interest of 10 or 15 per cent. per annum, instead of fifty and an hundred as the law now is, and, that in the event of failure, let the land be sold to the highest bidder, or so much thereof as may be necessary to pay the tax and interest. Have the law disseminated in other states, so that those interested might have an opportunity of learning its provisions. It is believed that, under the operation of such a law, some twenty or thirty thousand dollars would be paid into the treasury during the present year. There is, however, a portion of those claims to which I would not extend this general amnesty; those that interfere with the claims of persons who may be in actual *bona fide* possession, connected with a previous one of several years.— There is also a class of cases on the part of occupants, that I would not shield; where persons have located common land office warrants upon forfeited non-resident lands, with a full knowledge that such was the case, individuals acting thus, *mala fide*, have no claim upon the extraordinary aid of the government. It is not deemed good policy to permit persons to interpose and render impotent the

right of sovereignty to release forfeitures, and grant favor to its citizens and others.

It is the duty of the functionaries of the government to provide for the protection of its citizens in the enjoyment of life, liberty, and property, as far as they can, in accordance with the principles of moral justice. The happiness and quiet of the people require that statutes of limitation should be passed: that dormant outstanding claims should, after a given period, be rendered harmless and in-operative. Unfortunately our state exhibits a scene of much conflict in land titles, as the records of the courts and the sad experience of many of our citizens fully attest. Although our state was formed more than forty years ago, and the courts have been always opened for the investigation of controversies, it is believed that many, in relation to land titles, remain yet to be adjudicated. The legislature, actuated by motives highly praise worthy and commendable, passed an act approved February 9, 1809, entitled "an act to compel the speedy adjustment of land titles." Many doubted the constitutionality of the law, but I am gratified at being able to state that its validity has not only been sanctioned by our state courts, but by the Supreme Court of the United States.

It will be discovered by an examination of that law that its provisions extend protection, by way of defence, to persons only who shall have actually *settled* upon the land in controversy, and who shall have been so settled, or those under whom they claim for seven years anterior to the commencement of the suit. I would submit to your consideration the propriety of enlarging the provisions of the law so as to allow a like protection to all persons who may be in actual *possession* of land, and where it may have been continued for seven years. The courts have, in their adjudications upon this statute, required that the defendant must be *settled* upon the land in *controversy*, else he could not shield himself by virtue of it. Seven years actual *occupancy* of a tract of land, is as well calculated to give notice of claim, as a *residence* of the same length of time, and I would extend the protection to one class of cases as well as to the other. Instances have occurred where the interference covered a principal part of the defendant's tract on which he resided and had lived for seven years, but, because the *house* was not embraced in the conflict of titles the plaintiff succeeded. I do not perceive any reason for such a distinction. While upon this sub-

ject, let me ask you to take a review of the various decisions of our appellate court upon the subject of the savings and exceptions in our various statutes of limitation: it is doubted whether the court has not oscillated in its decisions upon that subject; its members have sometimes divided in opinion. It is a subject of much importance, and if you should believe that the laws have been enlarged by construction, pass a statute to remedy the error.

Let me again respectfully urge upon the Legislature the necessity of establishing a State Bank, based upon a specie capital of about four millions of dollars, with four or five branches or offices of discount and deposit; two fifths of the stock to be reserved for the state, the balance to be taken by individuals—let directors on the part of the state be appointed in such mode as you may deem most advisable, equal as near as may be to its proportion of stock; designate the amount to be paid annually into the treasury of the state by the stockholders as a tax upon their capital invested.—Should you concur with me, as to the propriety of this measure, I hope the charter will be well guarded, limiting the powers of the directory to a prudent, cautious exercise of banking privileges; requiring the payment of specie for its issues when presented, and upon failure in that respect, that the charter be forfeited. Make the directory responsible out of their own estates for a violation of the terms of the charter in making over-issues and loans. When I made my communication to the legislature, at the opening of the last session, in which I referred to this subject, I was of opinion that the portion of the stock to be held by the state, might be supplied from the funds in the banks of the Commonwealth and of Kentucky. But it was the pleasure of the legislature to give a different direction, to a considerable amount of those funds, so that we cannot look to that source to supply the capital contemplated to be invested by the state in the proposed bank. I would, therefore, recommend the issue of scrip on the part of the state, for one million of dollars, bearing an interest of four and a half per cent. payable semi-annually, redeemable at the end of thirty years.—Let the money arising from the sale of this scrip, which I have no question might be made in the eastern cities, at par, if not more, be subscribed as stock; the balance of the State's portion of stock to be supplied from the money arising from the Commonwealth's Bank and other sources as the legislature may deem most advisable.

There are many who will object to this mode of raising the money, but wherefore? That it would be a profitable arrangement on the part of the state, must be conceded by all. It would no doubt make a clear profit on the sum thus obtained, of three per cent. which at the end of thirty years, if the interest were re-invested annually, would amount to more than a million of dollars—a considerable sum to be made upon credit alone, and that for the benefit of the people of *our own state*; for I do not suppose that there is any risk in the matter. The money would be on loan to individuals, well secured, and might be withdrawn at any reasonable notice. Let it not be said that the people will have to be taxed to repay the money thus obtained. No such thing. The fund invested will of itself be sufficient: besides the said nett profit to the state of more than one million of dollars. When we have the same fund as it were, at command to restore when due, I do not regard it an indebtedness of the ordinary character. When we have not the means at command to pay debts, whether private or public, they are to be dreaded. You have been advised of the condition of the treasury; you know the difficulty of bringing aid to it. We desire to see works of internal improvement progress, and education diffused as much as possible throughout the state.—The civil list must be paid. Shall we not then issue this scrip and receive this profit, and furnish ourselves with the means to meet public expectation in respect to the great subjects of legislation? But again: there is something due to the enterprize, the commercial, agricultural, and manufacturing interests of the people; let us afford them as many facilities as we can, consistently with the constitution and the conservative principles of the government. Establish a bank upon the principles suggested, paying the specie for its notes, and it will give a beneficial impulse to all the leading interests of the people. Look into the State of Ohio, you will find eighteen or twenty banks. In the state of Tennessee, the legislature about a year since incorporated the Union Bank with a capital of three millions; the state was authorised to issue its scrip bearing an interest of five per cent. for half a million, which has been sold at a premium. The state of Alabama issued its scrip for three and a half millions bearing five per cent. interest. Mississippi and Louisiana have also increased their banking capital in the same way. Should we refuse to establish a State Bank, and afford

the facilities the exigencies of the country demand, we may expect to see many of the notes of the banks of the adjoining states in circulation among us. Is it not infinitely better to have an institution of our own, one that the people would get accustomed to, and would be interested in sustaining, whose notes would be current alike in every part of the state? If the privilege of banking be profitable, let our own state have a share in it. But upon this subject we have been told to wait—wait until it be ascertained that there is no longer any hope of re-chartering the Bank of the United States. Some say until it be re-chartered; and *then* if the condition of the country requires it, establish some independent banks. How long shall we wait? can they who make the objection tell us? I did hope that the question of the establishment of a state bank would have been decided upon its own merits, aside of every consideration other than to advance the public interest. I regret that the question of re-chartering the Bank of the United States has been obtruded and made to operate upon a question exclusively of state cognizance. I remember to have heard something myself about that question upon a certain occasion; and when the constituted authorities of the state were soon to decide upon an important question, involving the great interests of the state, behold! it comes again upon us. Let that subject occupy its proper forum—the general government. I have had much solicitude that the action of the two governments should be confined, each to the legitimate exercises of the attributes conferred by the respective constitutions. I had confidence in the talents, patriotism, and firmness of the functionaries of the general government, and believed that the ship of state would be safely steered, holding up to the world the prosperity of the nation; and I am gratified that my expectations have been *fully* realised. The genius and character of the people of Kentucky could not have been well considered, or the objection alluded to would not have been made. With a population high-minded, honorable and magnanimous, willing to concede much for the purpose of promoting harmony and good feeling, but *not a cent for tribute*, their opinions are not to be propitiated by suspending a sword over their heads. By being told to wait for a state bank until the United States Bank be rechartered, it need not be expected that they will barter their opinions, or forego what they believe to be right upon one question, in order to succeed in another. I do

hope that the time has not arrived when the oracle at Delphi must be consulted before we can proceed in the examination of important subjects; let us rather consult *our* constituents,—endeavor to ascertain what will best subserve *their* interests, and let that be done, regardless of the influence it may have upon the question of re-chartering the United States Bank. I am pleased to ascertain that many, who favor a continuation of that bank, are also advocates for the establishment of a state bank. They believe that both might be useful. Whether we have a bank of the United States or not, we should have a state institution. The suggestion to establish a number of independent banks, is also made with a view to thwart the creation of a state bank. Surely we are not prepared to act over the bank scenes that have occurred within the last fifteen years in Kentucky. Is there an individual acquainted with the history of the state, who does not remember the baneful influence that the establishment of the forty independent banks had upon the country? The great desideratum in the various towns was to get a bank charter; and what followed? The business was overdone, and the banks failed—a depreciated currency left upon the people, and many of them ruined. The great difficulty in legislating upon the subject, is, to know when to stop; there is a tendency to proceed onward, which should always be scrutinized. I should, therefore, regret exceedingly, to see the establishment of various independent banks in the state. Respond reasonably to the expectations of the people, afford them the facilities their interests demand by the creation of a state bank, founded upon a solid capital, calculated to assure to the people a good currency, equal to gold or silver, and then let us forbear. I would not have a bank of any other character. A depreciated currency is most ruinous to any people, and has been repudiated in almost every country that has suffered by its deleterious influence. Money is used for the purpose of exchange, and as a means by which we test the value of all commodities. Various expedients have been resorted to for the purpose of obtaining a substitute for money.—Bank bills, bills of exchange, &c. when they represent money, answer the purpose very well; but, when they cease to do this, and their value is to be tested by equivocal rules, it is unfortunate for any country. Let us not, therefore, be led away by the idea of the establishment of a number of independent banks. It will not do.

Again, money may be regarded as having a certain and a relative value. Certain, as it relates to all domestic uses; relative when compared with the value of money in other states and countries. If the government of a state see that the currency within its own action and legitimate cognizance be of the proper standard at home, nothing further should be required. Let it not, therefore, be objected to the measure proposed, that possibly the notes of the bank may not be exactly at par in some of the other states; they will be current within the limits of their own state. The comparative or relative value depends upon a variety of incidents, so numerous that it cannot be regulated exclusively by legislative enactment. The commercial part of the community in the several countries fix the exchange or relative value of money between the several parts of the world. I hope, therefore, that no political economist will insist upon such a paradox—that the value of money can, by legislative authority, be made the same in all countries. Much subsidiary aid may be afforded as well by the legislature, as by the energies of the people. Whatever tends to increase the prosperity of a community—the construction of turn pike roads, rail ways, clearing the obstructions in navigable streams; the diffusion of education among the people; the increase of agricultural products, of manufacturing establishments, and of the general commerce of the country—will elevate the relative value of money.—These are the bases upon which the wealth of a country mainly depends; the data by which the relative value of money is ascertained; for if a country exports more than she imports—sells more than she buys, there is no question that if the currency be sound at home, it will be in good demand abroad.

The practice of lending money at an inordinate rate of interest, as pursued by many in the state, is an evil of considerable magnitude. If it were loaned at a small premium over the legal rate, as is done by some, I should not deem it a subject for this communication. But there are many professed usurers, who lend at an exorbitant, destructive interest; whose sensibilities become blunted; who speculate in their own minds, like the master of ceremonies at the inquisition, how much the patient will bear—two, four, or six per cent. a month. Let me, therefore, call your attention to that subject, and suggest that the law of the 6th February, 1819, be repealed. By that act a usurious contract is legitimated to the extent

of the principal and six per cent. interest, and made void as to the usurious interest only; and the statute of January 26th, 1798, which declared the *whole* contract void, if usurious, was repealed. By that act, any borrower of money or goods, might exhibit his bill in chancery, and compel a discovery upon oath of the facts in relation to the contract, and if it were ascertained to be usurious, the lender would be bound to accept his principal, without interest. That the act of 1798, is better calculated to prevent the practice of usury than that of 1819, I think no one will doubt. It is milder in its provisions than most laws that exist upon the subject in our government. I would, therefore, recommend that the former law of 1798 be re-enacted.

Anciently, it was held as being against conscience to exact interest for the use of money: That opinion, however, yielded to the more correct one, that a reasonable rate of interest was admissible. But in all civilized countries, for centuries past, the governments have turned their attention to that subject, regulated the amount of interest, and in some instances affixed heavy penalties incident to the violation of the law. The rate of interest has varied in our own state, and it varies in several of the other states. It is contended by some, that they have a right to use their money as any other article of value, and that the legislature should not interpose. They who argue thus, should recollect that the whole community are interested in the value of money; that good policy requires that it should be circulated for the benefit of the people as much as possible; whatever, therefore, tends to retard its circulation, or make its value fluctuating and uncertain, should be the subject of legislative enquiry. If usury were tolerated, much of the money of the country would be locked up in the desk of the miser, waiting for opportunities to loan at a high interest.

The great object of government in the administration of the criminal law, is to punish the guilty, and to shield the innocent. The rights of an individual should be as plenary in a criminal, as in a civil case. If there be a controversy in which a few dollars are involved, either party may obtain the opinion of the appellate court upon the subject; but not so in a criminal case, where a man's life or liberty may be put to hazard. Does it not seem that there is an unfitness in this? Is the government in such haste for the punishment of individuals, that a short time could not be al-

lowed to test the conviction by the opinion of the appellate court? Upon questions that often occur in the progress of the trials of criminals, there is much diversity of opinion in the different circuit courts. Each is independent of the other, and at liberty to adopt its own opinions, and form its own criminal code. I submit to your consideration, whether some remedy may not be applied. Let the defendant be entitled to a writ of error as in civil cases. Let the case be disposed of by the appellate court at the commencement of the first term after the trial in the court below.—The delay would not be long, and as it would be at the election of the defendant, he could not complain; the additional expense would be inconsiderable. In cases where the attorney for the Commonwealth believed, that important questions had been decided in the progress of a criminal trial, I would direct that the record be sent by him to the appellate court. Although it would not affect the individual who might have been acquitted, the opinion might serve as a rule in like cases and questions, and thus we might probably obtain uniformity and some kind of system in the administration of the criminal law.

Permit me to call your attention to the jury system, and to recommend a change in relation to it. The people have a direct interest in every thing which relates to the judicial department of the government. Every one acquainted with the business of courts, must admit, that the present mode of selecting jurors is not well adapted to a correct administration of the law. Men should be selected, on so important a trust, because of their intelligence and moral worth; but it is not so, generally, under the present system. The sheriff is commanded to furnish a jury, and of necessity, he is obliged to summon those with whom he may chance to meet, whether qualified or not; and persons are often brought into the court in a state unfit for business. Thus it is, that jurors are selected who are to decide questions of the highest import. Besides, jurors should be paid a reasonable compensation for their services. Individuals cannot live entirely upon patriotism. Have the requisite number summoned a short time before their services would be required, and let the state pay a portion, and the litigants the balance of an allowance equal, at least, to the expenses of those who might serve. That such a change would contribute greatly to the correct administration of the law, I have no doubt.

In looking into the archives of the state, I regret, that many important documents in relation to the political history of the Commonwealth, are not to be found. It is believed that many have never been furnished; indeed some of them have never been printed; and that others were lost in the conflagration of the Secretary's office some twenty years ago. Do we not owe it to ourselves and to posterity, to rescue from the oblivious hand of time, important papers, in which all should feel an interest? It is a fact not generally known, that the people inhabiting the district of Kentucky had many meetings. Convention followed convention for several years anterior to the final separation from the state of Virginia. The journals of those Conventions have never been printed, and perhaps, but a single copy remains in the hands of a private gentleman. The journal of the convention of 1799, which formed our constitution, I find, also, in manuscript. We are proud of the name of Kentuckians. There is a laudable solicitude, to know every thing in respect to our history. Those "pioneers of the west," were a bold, patriotic, enterprising, and liberal people. Let us, at least, perpetuate their public acts in some durable manner, and be able to furnish a complete history of the proceedings of the various public assemblies in connection with our government.

I would, therefore, suggest the propriety of the appointment of a committee to make enquiries into the matter, and that you direct the printing of such documents as may be regarded necessary to a perpetuation of our political history as a state.

I am much gratified to learn, that Transylvania University is in a highly flourishing condition; the zeal and high attainments of the gentleman who presides over the institution; the deservedly high and elevated professional stand of the gentlemen who have charge of the various chairs in the law and medical departments, are a sure guarantee to the public, of its usefulness in an eminent degree. I flatter myself, that it will continue to receive the patronage of the public. The people of the state are particularly interested in its success; were it not for its existence, many of our young men would be obliged to go to other states to finish their professional studies. The various colleges in the state are in successful operation, as are also, many schools, imparting useful knowledge to the rising generation.

I have observed, with much pleasure, the united efforts of many learned and distinguished gentlemen, with a view to inform the public mind and bring it to a proper estimate of the importance of a general diffusion of education. I hope that much good will result from their labors, and that every one will contribute his aid on so important a subject.

We congratulate ourselves on the excellence of our government; we venerate our ancestors, by whose prowess and wisdom it was formed. They labored for themselves and for posterity.— Shall we not discharge the duties which devolve upon us with the same stedfastness of purpose, to the same end? There is no subject of more importance in a political point of view, in a republican government, than that of education. It is its main pillar.— Unless the people be informed, they cannot long sustain the government to advantage; they must possess the ability, as well as the power. Liberty and a want of intelligence in the great body of the people, do not long abide together. In proportion as either may advance, the other will recede. Such has been the experience of all the republican governments that have existed. With such monitory lessons before us, derived from history and our own experience, we should be disposed to do all that we can upon so important a subject. In order to preserve our government, there should be, not only a ceaseless vigilance on the part of the people in respect to its administration, but, also in relation to the means necessary to its continuation; let that be the case, and we have nothing to apprehend; let the people be informed, and they will rule correctly.

The Lunatic Asylum at Lexington; the Asylum for the Deaf and Dumb at Danville; the Hospitals at Louisville and Smithland; will I hope receive your particular attention. They are institutions resulting from the best feelings of the heart, to provide for the unfortunate; and should be sustained in a manner worthy the objects to be attained.

The Penitentiary system will also be the subject of enquiry.— The convicts suffered severely by the visitation of the epidemic during the past year. The Agent and Physicians were very vigilant, and fewer deaths occurred than usual, in proportion to the number of cases.

There might be a valuable improvement made by a different ar-

range of the buildings within; the plan will be communicated to you by the agent, to whom the country is much indebted for his attention to the institution. In any event, I would recommend that you order a room to be furnished for the purposes of an infirmary. It is extremely difficult to give the necessary attention to a sick person, confined in a cell, barely sufficient to admit another individual. It will be found, that the fiscal affairs of the institution are in a satisfactory and flattering condition. It is a source of some pleasure, that whilst many of the Penitentiaries of other states are a charge upon their governments, ours yields a small revenue; and that too, without drawing too heavily upon the time and labor of the convicts.

The subject of the militia, also claims your attention. I regret to find, occasionally, a disposition to annul the system entirely. It is believed, that the militia of the Union is its defence and support. We should, therefore, keep it duly organized and disciplined. I hope you will take a review of the whole matter, and embody the laws upon the subject in one general act. If you should find *that* a work of too much labor for one session, appoint a committee of competent persons to collect all the laws upon the subject, and make a report to the next session of the legislature.

In pursuance of a resolution adopted at the last general assembly, I transmit to you a report from the Quarter Master General, of a plan for an arsenal.

The legislature of Virginia made a donation to the officers of her state and continental line, of a tract of land containing four thousand acres, binding on the Mississippi, including the town of Columbus. Some years ago, the legislature of this state ordered the land to be sold, and the proceeds to be deposited in the treasury for the use of said officers, their heirs, &c. I am charged with a report, herewith transmitted, from the trustees, to whom had been delegated the trust, by which it appears that the land has been sold, and the proceeds deposited in the treasury. It is proper, therefore, that a law should pass, making distribution of the fund upon some equitable principle.

It appears that there remains due to the Bank of the Commonwealth, the sum of \$647,769 19, of that sum it is supposed that \$236,651 90 are due from persons who are insolvent, or in doubtful circumstances. The profits, to the state, of the institution a-

mount for the last year, to the sum of \$18,094 98. Its expenses for the same time, to the sum of \$13,890 55. There were notes in circulation on the 30th day of Nov. 1833, that had been issued by said bank, the sum of \$103,269 35, and there was on hand at the same time, the sum of \$96,730 65, which, in pursuance of the policy heretofore adopted, should be cancelled by burning.

From the Bank of Kentucky, it is estimated that the state may receive the sum of \$50,000.

The Commonwealth owns stock in the Maysville, Washington, Paris, and Lexington, the Shelby and Franklin turnpike roads, to the amount of one hundred and thirty-four thousand, three hundred and eighty-four dollars.

Pursuant to the request of the legislature, I did, shortly after the close of the last session, transmit to the President of the United States, to each of our Senators and members of Congress, and to the Governor of each of the states, a copy of the preamble and resolutions adopted by our legislature, on the subject of nullification as insisted upon by South Carolina. During the recess, I have had the honor to receive a communication from the Governor of each of the following states, upon the subject of nullification: New York, Massachusetts, Maryland, New Jersey, Delaware, Ohio, Alabama and Pennsylvania; and the same are herewith transmitted, out of respect to the respectable states named, and from a consideration of the high importance of the matter. As we have heretofore acted upon the subject, no additional action will be necessary. It is a matter of much solace, to find those states so unanimous in their opposition to the doctrine of nullification. I flatter myself, however, that we shall never have occasion again to refer to those documents; that peace and harmony will be cultivated among the states, and also between the general and state governments.

Gentlemen, it will afford me great pleasure to co-operate with you in all that may advance the public good.

JOHN BREATHITT.

January 1st, 1834.

(For accompanying documents, see Appendix—A.)

Ordered, That the Public Printer forthwith print 1500 copies of the message for the use of the members of this house.

Mr. Hanson nominated Mr. Levi T. Millspaugh as a proper person to fill the office of Assistant Clerk; Mr. Anderson (of Green,) nominated Mr. William B. Allen; Mr. English nominated Mr. George W. Boorum; Mr. Alsop nominated Mr. Gabriel I. Johnson; Mr. Morehead nominated Mr. Alexander R. Macey; Mr. Marshall nominated Mr. John C. Herndon; Mr. Morris (of Henderson,) nominated Mr. Alfred M. Wigginton; and Mr. Dunlap nominated Mr. William M. Tompkins.

And after taking six several votes, dropping at each vote the candidate having the smallest number of votes, (according to a resolution offered and adopted for the occasion,) a majority of all the votes at length appearing in favor of Mr. Alfred M. Wigginton, he was thereupon declared duly elected.

Ordered, That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. Phelps, Montgomery, Riffe, Wilson, Colyer, Hinton, Jasper, Irvine, McClure, J. Morgan, Sayers, Crow, Stockton and Seaton, and such other members as may from time to time choose to attend.

Who are to meet and adjourn from day to day, and take under consideration all propositions and grievances which may legally come before them, and all such matters as shall from time to time be referred to them, and report their proceedings with their opinions to the house; and said committee shall have power to send for persons, papers, and records for their information.

Ordered, That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Nuttall, Ryon, Sneed, Vanmetre, D. White, Wortham, Davis (of Montgomery,) Duff, Jones and Allen.

Who are to meet and adjourn from day to day, and to take under consideration and examine all returns for members returned to serve in this house during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings with their opinion thereupon to the house; and said committee shall have power to send for persons, papers, and records for their information.

Ordered, That a committee of claims be appointed; and a committee was appointed consisting of Messrs. J. L. Helm, Murrell, Brown, Calvert, Culp, D. Morris, Henderson, Dillon, Gatewood, and Culley.

Who are to meet and adjourn from day to day, and to take into consideration all public claims, and such other matters as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house; and the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee for courts of justice be appointed;

and a committee was appointed, consisting of Messrs. Wickliffe, S. Williams, Trimble, G. Morris, Grundy, Todd, Crockett, G. Davis, Hunton, Tompkins, T. J. Helm, and McGoodwin.

Who are to meet and adjourn from day to day, and to take into consideration all matters relating to courts of justice, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house; and the said committee is to inspect the journal of the last session, and draw up a statement of the matters there depending and undetermined, and the progress made therein; also to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are near expiring, and report the same to the house with their opinion thereupon, which of them ought to be revived and continued; and the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of religion be appointed; and a committee was appointed, consisting of Messrs. Stevenson, Morehead, Bradley, May, Clarke, Parker, J. P. White, A. S. White, and J. S. Morgan.

Who are to meet and adjourn from time to time, and take into consideration all matters and things relating to religion, and morality, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the house; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of ways and means be appointed; and a committee was appointed, consisting of Messrs. Hanson, Johnson (of Scott,) Johnson (of Livingston,) Barbour, Cochran, Cheek, Byers, Cunningham, Barlow and Cruse.

Who are to meet and adjourn from day to day, and take under consideration the revenue laws of this commonwealth, and all matters and things relating to or connected with the fiscal concerns thereof, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon, to the house; and the said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of internal improvements be appointed; and a committee was appointed, consisting of Messrs. Combs, Anderson (of Jefferson,) Jonas, Perrin, J. W. Williams, Coffman, Gardner, Underwood, Todd, Marshall, and Alsop.

Who are to meet and adjourn from day to day, and take under consideration all such matters and things relating to the improvements of the condition of the country, by roads and canals, and such other as may come legally before them, or be referred to them, reporting their proceedings with their opinion thereupon to

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statements, exhibiting the state of that institution, on the 30th day of November last.

(See folding sheet.)

Mr. S. Williams from the select committee, to whom was referred a bill for the benefit of the Sheriff of Wayne county; reported the same with an amendment, which being twice read, was concurred in; and the said bill as amended, ordered to be engrossed and read a third time. And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same having been engrossed,

Resolved, That the said bill do pass, and that the title thereof, be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Stevenson moved the following resolution:

Resolved, That so much of the Governor's message as relates to the biennially appointment of commissioners of tax in this Commonwealth, be referred to the committee of ways and means, and that they report to this house by bill, or otherwise.

Which being twice read, was adopted.

A message was received from the Senate, announcing the passage of a bill, entitled, an act to authorise the insertion of certain advertisements in the Advocate of Popular Rights, printed in Shelbyville.

Mr. Anderson (of Green,) moved sundry resolutions, which being twice read and amended, were adopted in the following words:

1. *Resolved*, That so much of the Governor's message as relates to the revenue of the state, be referred to the committee of ways and means.

2. *Resolved*, That so much of the Governor's message as relates to the subject of education, be referred to the committee on education.

3. *Resolved*, That so much of the Governor's message as relates to courts of justice, and the proceedings in criminal cases, be referred to the committee of courts of justice. That so much of said message as relates to an alteration in the various statutes of limitations, and of the laws against usury, be also referred to the same committee.

4. *Resolved*, That so much of the Governor's message as relates to the militia, be referred to the committee on military affairs; with instructions to enquire into the expediency of compiling the militia laws of this Commonwealth into a separate volume, for the use of the militia.

5. *Resolved*, That so much of the Governor's message as relates to the jury system, be referred to the committee of courts of justice.

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		Considered bad debts.	Considered doubtful debts
Principal Bank—due upon notes,	\$ 3,928 00		
" Profit and loss account,	4,221 16		
" Loss on real estate,	600 00		
" Geo. B. Knight, attorney,	2,641 71		
Bowlinggreen Branch—due upon notes,	59,062 86	10,490 87	1,577 00
" " A. Morehead, late Cashier,	15,360 00		
" Loss on real estate,	4,800 00		
" Profit and loss account,	2,510 00		
Flemingsburg Branch—due upon notes,	186 00	81,632 86	4,510 00
" Profit and loss account,	220 85		
Falmouth Branch—due upon notes,	700 00	326 85	1,938 25
" Loss on real estate,	200 00		
Greensburg Branch—due upon notes,	9,775 65	900 00	3,408 05
" Profit and loss account,	259 02		
" Loss on real estate,	1,182 00		
Hardford Branch—due upon notes,		11,216 67	1,357 50
Harrodsburg Branch—due upon notes,	\$15,338 23	175 00	1,057 16
" Profit and loss account,	574 72		
Independent paper, &c.,	2,877 52		
" Loss on real estate,	1,750 00	20,740 52	
" Upon notes doubtful,	7,634 14		
" B. F. Piesants, late Cashier,	15,077 07		23,711 21
Lexington Branch—due upon notes,		688 00	1,99 8 9
Louisville Branch—due upon notes,	\$ 2,930 25		
" Profit and loss account,	27,300 34		
" Loss on real estate,	3,660 00		
Mount Sterling Branch—due upon notes,	3,561 77	33,290 59	2,903 56
" Loss on real estate,	400 00		
Princeton Branch—due upon notes,	2,445 00	3,961 77	16,138 86
" Loss on real estate,	450 00		
" Profit and loss account,	474 87		
Somerset Branch—due upon notes,		3,370 87	352 00
Winchester Branch—due upon notes,	\$ 1,203 14	2,201 47	2,026 56
" Profit and loss account,	1,146 11		
" Loss on real estate,	100 00		
		3,259 25	4,398 06
Bad debts,		179,254 72	64,377 10
Doubtful debts,		64,377 10	
Total bad and doubtful,		236,631 90	

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6. *Resolved*, That so much of the Governor's message as relates to internal improvements, be referred to the committee on internal improvements, with leave to report by bill or otherwise.

Mr. Wigginton moved the following resolution:

Resolved, That so much of the Governor's message as relates to historical documents, be referred to a select committee.

Which being twice read, was adopted; and Messrs. Wigginton, Anderson (of Jefferson,) Marshall and Phelps appointed a committee pursuant thereto.

Mr. Combs moved the following resolution:

Resolved, That editors of newspapers wishing to report the proceedings of the house, be permitted to take seats within the bar.

Which being twice read, was adopted.

Mr. G. Morris moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing the number of the terms of the circuit courts to two, and so arrange the time of holding the inferior and superior courts, as that their sittings may not conflict, and that they have leave to report by bill or otherwise.

Which being twice read, was adopted.

Mr. Hunton moved the following resolution:

Resolved, That the committee of courts of justice be instructed to report a bill, providing that any sheriff, or deputy sheriff, their aiders or abettors, who shall wilfully withhold the poll books of his county, of the election of any officer, whose election is by law required to be made by the people of this Commonwealth, or refuse to permit the same to be counted agreeably to law, shall be held and deemed to be guilty of felony; and subjecting any such sheriff or deputy sheriff to confinement in the jail and penitentiary of this Commonwealth for a term of years.

Resolved, That the said committee report a bill to amend the general law regulating elections.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hunton and Nuttall, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Bradley, Brown, Byers, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Garnett, Gatewood, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Riffe, Ryan, Sayers, Sea-

ton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson, and Worham—87.

NAYS—Messrs. Allen, Barlow, Calvert, English, Gardner, Johnson of Scott, Jas. Morgan, Pope, and Stone—9.

Mr. Helm (of Hardin,) moved the following resolution:

Resolved, That in addition to the rules of the house already adopted, the following shall be added.

When the Speaker shall announce that motions or reports from select committees are in order, the Clerk shall proceed to call the counties over alphabetically, and the member or members, from the county or counties called, shall have a right to make his motion, or report any bill to him referred; and that if such motions or report shall not be gone through, the Clerk on the succeeding day, when motions and reports shall be called for, shall commence the call where he left off on the preceding day.

Which being twice read, was adopted.

Mr. Nuttall moved the following resolution:

Resolved, That the committee of courts of justice, be instructed to enquire and report on the propriety of so amending the criminal laws of this Commonwealth, so as to make it penal for a judge or judges of an election, their aiders or abettors, to act so corruptly in discharging the duties of their office, as to endanger the purity of elections.

Which being twice read, Mr. Phelps moved to amend the same by striking out thereof, after the word "Resolved," and inserting in lieu thereof, the following, viz:

That the committee on the judiciary be instructed to enquire into the expediency of providing by law for the punishment of any judge or judges, sheriff or sheriffs, or clerk, who shall leave the place or places of voting, fixed by law for the purpose of receiving the vote, or votes of a person or persons who fail to attend at the usual place of voting, to give in his or their vote, or votes.

The question was then taken, on adopting the amendment proposed, which was decided in the negative.

The yeas and nays being required thereon, by Messrs. Nuttall and Jonas, were as follows, viz:

YEAS—Messrs. Allen, L. Anderson, Crow, Cruse, Culley, Culp, Dillon, English, Gardner, Garnett, Harrison, J. L. Helm, Henderson, Hinton, Jasper, Johnson of Livingston, Johnson of Scott, R. Mitchell, Montgomery, Jas. Morgan, G. Morris, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Stevenson, Stone, Trimble, Underwood, Ward, J. P. White, and T. J. White—34.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, Barbour

Stockton, Barlow, Bradley, Brown, Byres, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Cunningham, G. Davis, Duff, Dunlap, Grundy, Hanson, Heddleston, T. J. Helm, Hinton, Irvine, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson, and Wortham—59.

The said resolution was then adopted.

Mr. Phelps moved the following resolution.

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing by law for the punishment of any judge or judges, sheriff or sheriffs, or clerk, who shall leave the place or places of voting, fixed by law for the purpose of receiving the vote or votes of a person or persons who fail to attend the usual place of voting, to give in his or their vote or votes.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Phelps and Nuttall, were as follows:

YEAS—Messrs. Allen, L. Anderson, Bradley, Brown, Byers, Crow, Cruse, Culp, Culley, G. Davis, J. Davis, Dillon, English, Gardner, Garnett, Gatewood, Hanson, Harrison, Heddleston, J. L. Helm, Henderson, Hinton, Hunton, Jasper, Johnson of Livingson, Johnson of Scott, Knot, McClure, Marshall, May, R. Mitchell, Montgomery, Jas. Morgan, D. Morris, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Ryon, Sayers, Stevenson, Stockton, Stone, Trimble, Underwood, Ward, A. S. White, J. P. White, T. J. White, Wickliffe, S. Williams, and Wilson—54.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, Barbour, Barlow, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Cunningham, Duff, Dunlap, Grundy, T. J. Helm, Irvine, Jonas, Jones, McGoodwin, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, G. Morris, Murrell, Riffe, Seaton, Shackelford, Slaughter, Sneed, Sterett, Todd, Tompkins, Vanmetre, Watkins, D. White, Wigginton, J. W. Williams, and Wortham—42.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the existing laws upon the subject of taking depositions for the perpetuation of testimony.

Which being twice read, was adopted.

Mr. Shackelford moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of reporting a bill, authorizing foreign administrators, executors, and guardians, to be sued in all

the courts of this Commonwealth, in the same manner and under the same regulations as resident administrators, executors and guardians, are now, by law, authorised to be sued.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. Phelps—1. A bill to incorporate the Covington and Lexington Turnpike road company.

On the motion of Mr. Helm—2. A bill concerning the county of Meade.

On the motion of Mr. Wickliffe—3. A bill to authorise the subscription and stock in the Louisville and Bardstown Turnpike road company.

On the motion of Mr. Tompkins—4. A bill to authorise the insertion of advertisements in the Lexington Intelligencer.

On the motion of Mr. Hunton—5. A bill to provide for the improvement of the road from Frankfort to Crab Orchard.

On the motion of Mr. Harrison—6. A bill to amend and reduce into one, the several acts concerning private passways.

On the motion of Mr. Johnson (of Scott)—7. A bill for the benefit of the heirs of James Y. Kilby, deceased.

On the motion of Mr. Anderson (of Jefferson)—8. A bill to prohibit the circulation, within this Commonwealth, of Bank notes of a denomination less than five dollars.

On the motion of Mr. May—9. A bill to improve the navigation of Big Sandy river.

On the motion of Mr. J. W. S. Mitchell—10. A bill to require the several county courts to hold courts once in every month.

On the motion of Mr. Davis (of Montgomery)—11. A bill to improve the road leading from Lexington, through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy river.

On the motion of Mr. Jonas—12. A bill to amend the duelling law.

On the motion of Mr. Pope—13. A bill to amend the laws concerning the town of Shepherdsville, in Bullitt county.

On the motion of Mr. Shackelford—14. A bill to incorporate the Richmond and Lexington Turnpike road company.

On the motion of Mr. Nuttall—15. A bill to repeal so much of an act, entitled, an act requiring Tavern keepers to pay taxes in advance, on obtaining Tavern license, approved December 22, 1831.

On the motion of Mr. Colyer—16. A bill to regulate the sales of land made for Commonwealth's money by virtue of executions.

On the motion of Mr. Henderson—17. A bill to improve certain public roads in Lewis county.

On the motion of Mr. Johnson (of Livingston)—18. A bill to improve the navigation of Trade water.

The committee of internal improvements were directed to prepare and bring in the first, eleventh, fourteenth and eighteenth bills; Messrs. Helm, Merrifield, Culley and Sterett the second; Messrs. Wickliffe, Merrifield, Pope and Alsop the third; Messrs. Tompkins, Dunlap, Phelps and Cruse, the fourth; Messrs. Hunton, Marshall, T. J. White and Haskin, the fifth; Messrs. Harrison, L. Anderson and Wigginton, the sixth; the committee for courts of justice, the seventh; Messrs. L. Anderson, Marshall, Hunton and Alsop, the eighth; Messrs. May, Seaton, Ward and Stone, the ninth; Messrs. J. W. S. Mitchell, Hanson and Dillon, the tenth; Messrs. Jonas, L. Anderson and Hunton, the twelfth; Messrs. Pope, L. Anderson and Grundy, the thirteenth; Messrs. Nuttall, English and Dillon, the fifteenth; Messrs. Henderson, Byers and Seaton, the seventeenth; and the committee for courts of justice, the sixteenth.

Mr. Phelps moved for leave to bring in a bill, to take the sense of the good people of this Commonwealth as to the propriety of calling a Convention.

And the question being taken on granting leave to bring in said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Nuttall and Phelps, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Crockett, Crow, Culley, Culp, J. Davis, English, Gardner, Garnett, Gatewood, Grundy, Harrison, Heddlestone, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, McGoodwin, May, J. W. S. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, Nuttall, Paris, Parker, Perrin, Phelps, Riffe, Sayers, Slaughter, Stevenson, Stockton, Stone, Todd, Trimble, Underwood, Vanmetre, Ward, J. P. White, J. W. Williams, and S. Williams—54.

NAYS—MR. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Colyer, Combs, Cruse, Cunningham, G. Davis, Dillon, Duff, Dunlap, Hanson, J. L. Helm, Hinton, Hunton, Jones, Knot, McClure, Marshall, Merrifield, R. Mitchell, D. Morris, G. Morris, Murrell, Pope, Ryon, Seaton, Shackelford, Sneed, Sterett, Tompkins, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, Wilson, and Wortham—42.

Ordered, That Messrs. Phelps, Jonas, Harrison, Todd, Crockett and McGoodwin, be a committee to prepare and bring in said bill.

And then the House adjourned.

FRIDAY, JANUARY 3, 1834.

The Speaker laid before the house a report from Edmund Curd, Receiver of Public Money, for land sold west of the Tennessee river, of the lands sold and money received by him, during the last year, which is in the following words:

FRANKFORT, KENTUCKY, }
3rd January, 1834. }

Sir:—In obedience to an act of assembly, approved 21st December, 1831, I respectfully submit the following Report of lands sold west of Tennessee river, since my last Report as Receiver of Public Monies, viz:

Lands sold from the 21st day of November, 1832, to the 11th day of December, 1833, (as per Reports to the auditor of public accounts,) \$37,271 50

CREDITS.

By amount paid Treasurer in Commonwealths paper,	\$21,817 96
Ditto in United States paper,	14,360 52
Advance at 5 per cent allowed on same,	
as per act of assembly,	718 02
Commission retained,	375 00
	\$37,271 50

Your ob. servant,

EDMUND CURD, R. P. M. W. T. R.

The Speaker also laid before the house a letter from the Treasurer of this Commonwealth, enclosing his annual report of the money received and paid out during the last fiscal year, ending on the 10th day of October last.

(See Appendix—C.)

1. Mr. Barlow presented the petition of sundry citizens of Monroe and Cumberland counties, praying an appropriation of money out of the public treasury, to be applied to removing obstructions to the navigation of the Cumberland river, from the Tennessee state line as high up as the Wayne county line.

2. Mr. A. S. White presented the petition of the board of internal improvement of Shelby county, praying certain amendments to the charter incorporating said company, and authorizing them to collect half tolls on that part of the road now completed.

3. Mr. White (of Whitley,) presented the petition of sundry citizens of Whitley county, praying an appropriation of land warrants, to be located on vacant land in said county, to be appropriated to building a bridge across Gillico river.

4. Mr. Anderson (of Jefferson,) presented the petition of sundry citizens of the town of Portland, in Jefferson county, praying the passage of a law to appoint Trustees for said town.

5. Mr. Jonas presented the petition of sundry citizens of Grant county, praying that a law may pass, to change the place of voting in Ford's precinct in said county.

5. Mr. Trimble presented the petition of David Snodgrass, administrator of the estate of John Bartlett, deceased, praying that a law may pass to authorise the sale of certain real estate of the decedent, and the appropriation of the proceeds to the payment of debts due by the estate.

7. Mr. Alsop presented the petition of Elizabeth Dick, praying a divorce from her husband, Benedict Dick.

8. Mr. Coffman presented the petition of Mary Peters, praying a divorce from her husband, Christian Peters.

9. Mr. Grundy presented the petition of sundry citizens of the county of Union, praying the passage of a law to establish an additional election precinct in said county.

10. Mr. Irvine presented the petition of sundry citizens of this Commonwealth, praying the donation of a quarter section of land, lying west of the Tennessee river, to Sally Pace.

11. Mr. Irvine also presented the petition of Frances Ann Bridges, and of sundry citizens of this Commonwealth, praying the donation to her of a quarter section of land lying west of the Tennessee river.

12. Mr. Irvine also presented the petition of Elizabeth Peal, and sundry other citizens of this Commonwealth, praying the passage of a law to authorise the sale of a part of a quarter section of land west of the Tennessee river, to enable her to pay the purchase money due thereon.

13. Mr. Irvine also presented the petition of sundry citizens of Calloway county, praying that a law may pass, to authorise them to enter 16 acres, part of a quarter section of vacant land in Calloway county on which a meeting house has been erected.

14. Mr. Anderson (of Jefferson,) presented the memorial of Mann Butler of the city of Louisville, representing that he has for a length of time devoted his attention to the collection of materials for writing a history of this State; that he has found great deficiency in our records from the casualties of fire and otherwise; and requesting the interposition of the influence of the Legislature of this state in procuring from the authorities of the state of Virginia, copies of such materials for his proposed work as may remain in the possession of that state; and proposing to make an index to the journals of the Legislature of this state.

15. Mr. Wickliffe presented the petition of sundry citizens of Nelson county, praying that a law may pass to authorise Elijah

Barnes to build a fish dam and trap, on the waters of the Beech fork of Salt river.

16. Mr. Jones presented the petition of sundry citizens of Harlan county, praying an appropriation of land warrants, to be laid on some of the vacant lands of the Commonwealth, to be applied to the improvement of a certain road in said county.

17. Mr. J. W. Williams presented the petition of Sally Gaither, praying that a law may pass to authorise the sale of certain real estate belonging to the estate of her deceased husband.

18. Mr. Johnson (of Livingston,) presented the petition of Mark Phillips, of Livingston county, praying a divorce from his wife Harriet, late Harriet G. Goodwin.

19. Mr. Davis (of Bourbon,) presented the petition of the administrator of Robert Scott, deceased, praying that a law may pass to authorise the sale of certain real estate for the purpose of discharging the debts due by said decedent.

20. Mr. White (of Whitley,) presented the petition of sundry citizens of Knox county, praying that a law may pass to allow an additional justice of the peace in said county.

21. Mr. Coffman presented the petition of Charles F. Wing, praying that a law may pass to authorise the Register of the Land Office to issue to him a patent for a tract of land lying in Muhlenburg county, upon a copy of a plat and certificate of survey, the original of which has been lost.

22. Mr. Stone presented the petition of Keziah Arnold, praying a divorce from her husband, John Arnold.

23. Mr. Stone also presented the petition of Amelia Vice, praying a divorce from her husband, Greenberry Vice.

24. Mr. Paris presented the petition of Thomas L. Welch, praying a divorce from his wife, Martha C. Welch.

25. Mr. Mitchell (of Jessamine,) presented the petition of Eleaner H. Morton, widow of Richard Morton, deceased, and guardian of his infant children, praying that a law may pass to authorise a sale of a tract of land in Jessamine county, with a view to invest the proceeds in lands in another state.

26. Also the petition of Major Horniday and other free persons of color, representing that they are the nearest of kin to James Spead, or East, a free man of color, who lately departed this life in Jessamine county, leaving considerable property, and doubts are entertained whether they can inherit his estate—and praying that a law may pass to confirm to them their title to the said estate.

27. Mr. May presented the petition of William Hayden, guardian of the infant heirs of James Hayden, deceased, praying that a law may pass to authorise the sale of the real estate of said decedent.

28. Mr. Marshall presented the petition of Samuel Payne, rep-

representing that himself and a certain John Pattie (since deceased,) became security in a bond to the Commonwealth for a certain John F. Clarke, who was entrusted as an agent of the Penitentiary, with the sale of articles manufactured therein. That suit was brought thereon, a recovery had against them. That as the securities of said Clarke, they paid the amount of the judgment and costs to the late Attorney General, and the attorney in the case, believing he was entitled to receive it. That said money has not been paid into the Treasury, and that the officers of government still hold him responsible for said judgment, and praying a release thereof from the Commonwealth.

29. Mr. Jonas presented the petition of sundry citizens of the county of Harrison, praying that a part of said county may be added to the county of Grant.

30. Mr. Calvert presented the petition of Amy Johnson, praying a donation of a small piece of vacant land west of the Tennessee river.

31. Mr. Barlow presented the petition of Patrick W. Carson, praying a divorce from his wife, Eliza Carson.

32. Mr. Stockton presented the petition of Amelia S. Barnes, praying a divorce from her husband, Nathan Barnes.

33. Mr. English presented the petition of Robert Sanders of Gallatin county, praying the passage of a law to change the route of the State road leading from Lexington to Ghent, where it passes through his land, in said county.

34. Mr. Jones presented the petition of sundry citizens of Harlan county, praying for the establishment of an additional election precinct in said county.

35. Mr. Barbour presented the petition of sundry citizens of Oldham county, praying for the passage of a law authorising the citizens of said county to vote for or against the removal of the seat of justice of said county, from the town of Westport.

36. Mr. Davis (of Bourbon,) presented the petition of Jane A. Bowling, praying a divorce from her husband, John S. Bowling.

37. Mr. Shackelford presented the petition of the widow and heirs of Samuel Allison, deceased, (the infants by their guardian,) praying that a law may pass, authorising to compromise the land claims, owned by said Allison at the time of his death, and to execute conveyances for lands sold by him, and not conveyed.

38. Mr. Alsop presented the petition of sundry citizens of the city of Louisville, praying that a law may pass to establish in said city, an Inspection of Flour.

39. Mr. Shackelford presented the petition of John Stephenson, administrator, and Elizabeth Mallory, widow of James Mallory, deceased, praying that a law may pass to authorise him to invest in the purchase of land, any money he may have in his hands

as administrator of said estate, for the benefit of the widow and children of said decedent.

40. Mr. English presented the petition of John Campbell, praying a divorce from his wife, Fanny.

41. Mr. Davis (of Bourbon,) presented the petition of the administrators of John E. Shropshire, deceased, praying that a law may pass to authorise the sale of the real estate of the decedent, for the purpose of discharging the debts due by said decedent.

42. Mr. Crockett presented the petition of sundry citizens of Christian county, praying the passage of a law to authorise the appointment of an additional justice of the peace in said county.

43. Mr. Jones presented the petition of sundry citizens of Harlan county, praying that a law may pass, giving to the county court of Harlan, the management and control of that part of the state road, which passes through said county.

44. Mr. J. W. Williams presented the petition of Henson Hunt, and Mary his wife, late Mary Lane, praying that a law may pass to ratify and confirm an exchange of lands made between the petitioners, and William M. Lane, by and with the consent of his guardian.

45. Mr. Coffman presented the petition of Edward Brown, praying that a sum of money expended by him in pursuing and apprehending William Hall, a fugitive from justice, may be refunded.

46. Mr. Sayers presented the petition of Catharine Gould, praying a divorce from her husband, Edward Gould.

47. Mr. Culp presented the petition of the Trustees of the Augusta College, praying a loan to that institution from the literary fund, for the term of four years.

Which petitions were severally received, the reading thereof dispensed with and referred; the first, third, sixteenth and forty-third, to the committee on internal improvement; the second to a select committee of Messrs. A. S. White, Combs, Underwood and Johnson (of Scott;) the fourth to a select committee of Messrs. L. Anderson, Wigginton and Hunton; the fifth, tenth, eleventh, twenty-ninth, thirtieth, thirty-third, thirty-fourth, thirty-fifth and forty-second to the committee of propositions and grievances; the sixth to a select committee of Messrs. Trimble, Perrin and Byers; the seventh, eighth, thirteenth, eighteenth, twenty-second, twenty-third, twenty-fourth, thirty-first, thirty-second, thirty-sixth, fortieth and forty-sixth to the committee of religion; the ninth to a select committee of Messrs. Grundy, G. Morris, McGoodwin and Johnson (of Livingston;) the twelfth, seventeenth, nineteenth, twenty-first, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, thirty-seventh, thirty-ninth and forty-first, to the committee for courts of justice; the fourteenth to the select committee raised on the subject of historical documents; the fifteenth to a select committee of

Messrs. Wickliffe, Merrifield, Brown, Knot and R. Mitchell; the twentieth to a select committee of Messrs. D. White, Colyer and Jones; the thirty-eighth to a select committee of Messrs. Alsop, L. Anderson, Wickliffe and Wigginton; the forty-fourth to a select committee of Messrs. S. Williams, Slaughter, Todd and Clarke; the forty-fifth to the committee of claims; and the forty-seventh to the committee on education.

A message was received from the Senate, announcing the passage of a bill entitled an act, amendatory to an act, approved January 28, 1833, to authorise the Bourbon county court to levy a tax on the lands of the county.

Mr. Phelps moved the following resolution:

Resolved, That the Sergeant at Arms be directed to cause the Representatives Chamber to be furnished with a sufficient number of chairs for the accomodation of the members; and that he also cause the said Chamber to be furnished with a sufficient number of writing tables for the accomodation of all the members of this house.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. J. Davis and Phelps, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Cruse, Culley, Culp, Cunningham, G. Davis, Duff, Dunlap, Garnett, Grundy, Hanson, Harrison, J. L. Helm, Hunton, Johnson of Scott, Johnson of Livingston, Jonas, Jones, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, J. S. Morgan, G. Morris, Nuttall, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Vanmetre, Ward, T. J. White, Wickliffe, and Wigginton—63.

NAYS—Messrs. Allen, Barlow, Bradley, Crow, J. Davis, Dillon, English, Gardner, Gatewood, Heddleston, T. J. Helm, Henderson, Hinton, Jasper, Knot, McClure, Jas. Morgan, D. Morris, Murrell, Paris, Parker, Riffe, Sneed, Underwood, Watkins, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams, and Wortham—31.

A message was received from the Senatè by Mr. Prince, announcing the appointment of a committee of enrolments on the part of that body.

Mr. McGoodwin moved the following resolution:

Resolved, That the committee on courts of justice be directed to enquire into the expediency of so amending the law, regulating the granting of divorces, so as to give to the courts of chan-

cery jurisdiction, in all cases to grant divorces where the party applying shows himself or herself justly entitled to the same.

Which being twice read, was adopted.

Mr. Crockett moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of amending the law concerning the trial of the right of property.

Which being twice read, was adopted.

Mr. Anderson (of Green,) presented the annual report of the agent of the Penitentiary.

(See Appendix—D.)

Mr. Perrin moved to obtain leave to bring in a bill to repeal the law of the last session, as it respects tax on merchandize.

And the question being taken on granting leave to bring in said bill, it was decided in the negative, and so the said motion was disagreed to.

On motion—

Ordered, That Mr. John L. Helm be added to the committee of propositions and grievances.

Mr. G. Morris moved the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of changing the mode of proceeding in foreclosing mortgages, and that they have leave to report by bill, or otherwise.

Which being twice read, was adopted.

Mr. Ward moved the following resolution:

Resolved, That the committee on courts of justice be requested to enquire into the expediency of appointing a fit and qualified person or persons, to digest the statute laws of this Commonwealth, giving to the person or persons so appointed power to make such amendments and additions as may be necessary to form a methodical and systematic code; and that said digest when completed be submitted to some future legislature for its adoption or rejection, and the said committee report by bill or otherwise.

Which being twice read, was adopted.

Mr. Shackelford moved the following resolution:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of bringing in a bill so amending the present laws on the subject of mortgages and deeds of trust, as to make such instruments of no validity as to creditors or purchasers, until they are deposited in the proper office for record, or of reducing the time, within which such instruments are now by law required to be deposited for record.

Which being twice read, was adopted.

Mr. Grundy moved the following resolution:

Whereas, it is represented to this house, that Gen. Joseph R. De-

laney, a member of the last session, and the member returned after the last August election for this session, for the county of Union, has departed this life—

Wherefore it is *Resolved*, That this house deeply deplore the loss of their worthy friend, Gen. Joseph R. Delany, and that each member of this house wear crape on his left arm thirty days, as a testimonial of their high respect for his worth and virtues.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. Stone—1. A bill to direct the sale of a lot of ground and meeting house in Bath county, belonging to the Methodist society, called New Salem.

On the motion of Mr. Sterett—2. A bill to change the place of voting at the precinct in the county of Hancock.

On the motion of Mr. Cheek—3. A bill to take the right of appeal from the decisions of justices of the peace, to the county court, in all cases, and to give the same to the circuit courts.

On the motion of Mr. Marshall—4. To organize a fire company in the town of Frankfort.

On the motion of Mr. Calvert—5. A bill making a donation of six thousand acres of land, to the several counties each, west of the Tennessee river, the donation to be made to each county of land lying in the same.

On the motion of Mr. Perrin—6. A bill to open and improve the road from the Rocky Spring in Harrison county, through Colemansville to Williamstown, in Grant county.

On the motion of Mr. Perrin—7. A bill for the benefit of the citizens of the town of Colemansville, Harrison county.

On the motion of Mr. Trimble—8. A bill for building a bridge across main Licking, at Claysville, in Harrison county.

On the motion of Mr. Culley—9. A bill for the benefit of Isaiah Miller, deputy Sheriff of Hardin county.

On the motion of Mr. D. White—10. A bill to improve certain roads leading through Whitley county.

On the motion of Mr. Hunton—11. A bill to authorise infant females covert to release dower.

On the motion of Mr. Henderson—12. A bill to allow an additional justice of the peace in the county of Lewis.

On the motion of Mr. Johnson (of Livingston)—13. A bill to allow additional fees to justices of the peace for committing runaway slaves, and for other services.

On the motion of Mr. Morehead—14. A bill for the benefit of Frances Kercihval.

On the motion of Mr. Colyer—15. A bill to change the place of voting in Laurel county.

On the motion of Mr. Wigginton—16. A bill for the benefit of Charles and Samuel Black.

On the motion of Mr. Wigginton—17. A bill for the benefit of Thomas and Ann Prince.

On the motion of Mr. Wigginton—18. A bill to incorporate the Mechanics' fire company in the city of Louisville.

On the motion of Mr. Ward—19. A bill to improve certain roads in the counties of Lawrence, Morgan and Floyd.

On the motion of Mr. Ward—20. A bill to amend the election laws of this Commonwealth.

On the motion of Mr. Parker—21. A bill to amend the law, relative to patrols.

On the motion of Mr. Barlow—22. A bill to appropriate some of the unappropriated lands in the counties of Monroe and Allen, for the improvement of the public roads in said counties.

On the motion of Mr. Coffman—23. A bill to authorise the appointment of two additional justices of the peace and constables for the county of Muhlenburg.

On the motion of Mr. Crow—24. A bill entitled an act to amend an act for incorporating the Hartford bridge company.

On the motion of Mr. Jonas—25. A bill to incorporate a company to erect a bridge across main Licking at Falmouth, in Pendleton county.

On the motion of Mr. Jasper—26. A bill to increase the number of constables and justices of the peace in the county of Pulaski, and for other purposes.

On the motion of Mr. McClure—27. A bill to amend an act, entitled an act to establish a road from Louisville, to the state line in a direction to Knoxville, approved January 22, 1833.

On the motion of Mr. Colyer—28. A bill to appoint engineers to review and report the utility of opening the Rockcastle river.

On the motion of Mr. Stevenson—29. A bill to amend the penal laws of this state.

On the motion of Mr. Vanmetre—30. A bill to authorise the sale of certain slaves belonging to Richard B. Perkins, infant heir of William Perkins, deceased.

On the motion of Mr. Cheek—31. A bill to authorise the election of Trustees for the town of Monticello.

Messrs. Stone, Sayers and Gatewood were appointed a committee to prepare and bring in the first; Messrs. Sterett, Merrifield and G. Morris the second; Messrs. Cheek, Barlow, Trimble and G. Morris the third; Messrs. Marshall, Combs and Dillon the fourth; Messrs. Calvert, Irvine, McGoodwin, Coffman and Sterett the fifth; Messrs. Perrin, Jonas, Phelps and Johnson (of Scott,) the sixth; Messrs. Perrin, Trimble and D. Morris the seventh; Messrs. Trimble, Perrin, Phelps and Jonas the eighth; Messrs. Culley, Helm, English and Merrifield the ninth; the committee of internal improvements the tenth and twenty-eighth; the committee for courts of justice the eleventh, thirteenth, sixteenth and

seventeenth; Messrs. Henderson, Barlow, and G. Davis the twelfth; Messrs. Morehead, Slaughter and J. W. Williams the fourteenth; Messrs. Colyer, Riffe and Wilson the fifteenth; Messrs. Wigginton, Marshall, Alsop and L. Anderson the eighteenth; Messrs. Ward, May, J. Davis and Stone the nineteenth; Messrs. Ward, Cunningham and Hanson the twentieth; Messrs. Parker, Cunningham, Byers and G. Davis the twenty-first; Messrs. Barlow, Todd, Paris, Cheek and T. J. Helm the twenty-second; Messrs. Coffman, Crow, Stone and Henderson the twenty-third; Messrs. Crow, Morehead, Hinton, Todd, Vanmetre and Slaughter the twenty-fourth; Messrs. Jonas, Trimble and Phelps the twenty-fifth; Messrs. Jasper, Stevenson and Johnson (of Scott) the twenty-sixth; Messrs. McClure, S. Williams, Colyer and Montgomery the twenty-seventh; Messrs. Stevenson, J. L. Helm, Hanson and Trimble the twenty-ninth; Messrs. Vanmetre, Todd, J. W. Williams and Morehead the thirtieth; and Messrs. S. Williams, Cheek and McClure the thirty-first.

And then the house adjourned.

SATURDAY, JANUARY 4, 1834.

A message was received from the Senate by Mr. Taylor, announcing the appointment of committees on the part of the Senate, to examine the Auditor's and Treasurer's offices, in conjunction with such committees as may be appointed for the same purpose on the part of this house.

The Speaker laid before the house a letter from the Auditor of Public Accounts, requesting the appointment of a committee to examine the books and papers of that office with a view that the same may be handed over to his successor in office.

The Speaker also laid before the house a letter from the President of the Bank of Kentucky, enclosing his report of the situation of that institution.

(See Appendix—E.)

The Speaker also laid before the house a letter from the Commissioners, appointed under an act of the last session of the General Assembly, to settle and adjust the accounts of the keeper of the Penitentiary, enclosing their report.

(See Appendix—F.)

Ordered, That Messrs. Combs, Morris (of Henderson,) Crockett, and G. Davis, be appointed a committee on the part of this house, to examine the Auditor's office; and Messrs. Hanson, Todd, Murrell and Phelps the Treasurer's office; and that Mr. Combs inform the Senate thereof.

A message was received from the Senate announcing the passage of bills of the following titles:

An act altering the times of holding the Fayette and Scott Circuit Courts.

An act to establish election precincts in Green and Mercer counties.

An act amendatory to an act concerning the public Library, and to appoint a librarian.

An act to enlarge the constables district for the town of Monticello.

1. Mr. Wickliffe presented the remonstrance of the citizens of Oldham county, against the removal of the seat of justice from Westport to Lagrange.

2. Mr. S. Williams presented the petition of William Garrett and others of Russell county, praying that a small portion of said county may be added to the county of Wayne, so as to include said Garrett in the latter county.

3. Mr. J. S. Morgan presented the petition of Matthias Davis, praying a divorce from his wife, America Davis.

4. Mr. Anderson (of Green) presented the petition of the heirs and creditors of Benedict Carrico, deceased, praying that a law may pass authorising a sale of the estate of the decedent for the purpose of paying the debts of the estate.

5. Mr. J. S. Morgan presented the petition of Sally Hall, widow of Samuel Hall, deceased, praying that a law may pass to authorise the sale of a portion of the real estate of her deceased husband, in order to pay the debts of the estate.

6. Mr. Wigginton presented the petition of Emma M. Duncan, praying a divorce from her husband, Bryce G. Duncan.

7. Mr. Riffe presented the petition of Jenetta Hill, praying a divorce from her husband, Patton Hill.

8. Mr. White (of Whitley) presented the petition of Frederick Snider, representing that he purchased a land warrant for 400 acres of land, which was afterwards taken by a military claim, and praying for the passage of a law, to authorise the Register of the Land Office to issue to him warrants for 400 acres to be located on some of the vacant lands of the Commonwealth, in lieu of the land so lost.

9. Mr. Jasper presented the petition of Sophia Warriner, praying a divorce from her husband, Iverson Warriner.

10. Mr. Morris (of Henderson,) presented the petition of Levi Jones, representing that he is interested in the estate of Richard Jones Waters, deceased, whose will is duly recorded in the Jefferson county court; that the executor being dead, he administered on the estate, that most of the estate lies in Missouri, but that it is necessary to have the *original will* recorded in Missouri before he can

act in that state; and praying the passage of a law to authorise him to withdraw the original from the Jefferson county court.

11. Mr. Ward presented the petition of Margaret Gorman, praying a divorce from her husband, Robert Gorman.

12. Mr. Jasper presented the petition of Iverson Wariner, from his wife, Sophia Warriner.

13. Mr. Calvert presented the petition of sundry citizens of Graves county, praying for the establishment of an election precinct in said county.

14. Mr. Bradley presented the petition of sundry citizens of Hopkins county, praying that a law may pass to change the place of holding elections in an election precinct in said county from Isaac Jacksons, to Fisher's spring.

15. Also the petition of sundry other citizens of said county, praying that the place of holding elections in said precinct may be changed to the house of Col. Isaac Metcalf, in said precinct.

16. Also the remonstrance of sundry other citizens of said county against changing the place of voting in said precinct

17. Mr. Anderson (of Green,) presented the petition of the heirs of Samuel Sims, deceased, praying that a law may pass to authorise the sale of a tract of land, devised to them by James Molahan, it being too small to admit of an advantageous division.

18. Mr. May presented the petition of Edward Dorton, praying that a law may pass to authorise a court of chancery to decree the specific execution of a parole contract for an exchange of land, made between him and his son William Dorton, previous to the death of the latter.

19. Mr. White (of Whitley,) presented the petition of John Holt of Whitley county, praying a donation of a small piece of vacant land in said county.

20. Mr. Ward presented the petition of Drury Evans, praying a divorce from his wife Nancy Evans.

21. Mr. Heddleston presented the petition of the executor, widow and heirs of Moses Moss, deceased, praying that a law may pass to authorise a sale of a tract of land in Fleming county, to enable them to purchase lands in the state of Missouri, to which they propose removing.

22. Mr. Helm (of Barren) presented the petition of sundry citizens of Barren county, praying the passage of a law to authorise Fleming Jones to build a dam across Little Barren river, for the purpose of working a water grist mill.

23. Mr. Coffman presented the petition of sundry citizens of Muhlenburg, Ohio and Daviess counties, praying the formation of a new county out of parts of each of said counties.

24. Mr. White (of Whitley,) presented the petition of Angus Ross, praying the passage of a law to authorise the Register of

the Land Office to issue to him a *duplicate* patent for a tract of land in Whitley county, for the reasons stated in said petition.

25. Mr. Helm (of Barren,) presented the petition of Elizabeth Shirley, widow of Richard Shirley, deceased, praying the passage of a law to authorise a sale of a tract of land belonging to the estate of her deceased husband, to discharge the debts due from his estate.

26. Mr. Duff presented the petition of sundry citizens of Perry county, praying the establishment of an election precinct in said county.

27. Mr. Irvine presented the petition of the trustees of the town of Paducah, praying an extension of their powers, and sundry amendments to acts establishing and regulating said town.

28. Mr. Culp presented the petition of sundry citizens of Bracken county, praying that sundry alterations and amendments may be made to the laws regulating the working of roads in said county.

29. Also the petition of sundry citizens of said county, praying that a law may pass to extend the boundaries of the Snag creek precinct in Bracken county.

30. Mr. Gatewood presented the petition of Jacob Stewart, praying that a law may pass to change the name of Wesley Blake (a minor deserted by his mother in his youth,) to that of Wesley Stewart.

31. Mr. Culp presented the petition of Samuel L. Dunbuck, praying a divorce from his wife, Rebecca.]

32. Mr. May presented the petition of Madison Miller, praying a divorce from his wife, Polly Miller.

33. Mr. Helm (of Barren,) presented the petition of Polly Masters, praying a divorce from her husband, John Masters.

34. Mr. May presented the petition of sundry citizens of Floyd county, praying the passage of a law to establish the town of Paintsville in said county and for the proper regulation thereof.

Which petitions were severally received, the reading thereof dispensed with and referred; the first, second, thirteenth, fourteenth, fifteenth, sixteenth, twenty-third, twenty-sixth, twenty-seventh, twenty-ninth, thirtieth, and thirty-fourth, to the committee of propositions and grievances; the third sixth, seventh, ninth, eleventh, twelfth, twentieth, thirty-first, thirty-second and thirty-third to the committee of religion; the fourth, fifth, eighth, tenth, seventeenth, eighteenth, twenty-first, twenty-fourth, twenty-fifth and twenty-eighth to the committee for courts of justice; the nineteenth to a select committee of Messrs. D. White, Stockton, Byers and Colyer; and the twenty-second to the committee on internal improvement.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe from the committee of courts of justice—1. A bill to regulate the rate of interest on certain contracts, and to prohibit excessive usury.

2. A bill to authorise writs of error with supersedeas in criminal cases.

3. A bill to authorise the taking of depositions in a summary way to perpetuate testimony.

By Mr. Stevenson from the committee of religion—4. A bill for the benefit of Elizabeth Godby.

5. A bill for the benefit of John Jones.

By Mr. Stone—6. A bill to direct the sale of a lot of ground and meeting house in Bath county, called New Salem.

By Mr. Sterett—7. A bill to change the place of voting in the precincts in Hancock and Nelson counties, including the town of Bloomfield.

By Mr. Phelps—8. A bill to take the sense of the good people of this Commonwealth as to the propriety of calling a Convention.

By Mr. Marshall—9. A bill to organize a fire company in the town of Frankfort.

By Mr. Jonas—10. A bill to amend the duelling law.

By Mr. Nuttall—11. A bill to amend the laws concerning tavern keepers.

By Mr. L. Anderson—12. A bill to prohibit the circulation within this Commonwealth of Bank notes of a less denomination than five dollars.

By Mr. Harrison—13. A bill to amend and reduce into one the several acts concerning private passways.

By Mr. J. W. S. Mitchell—14. A bill to allow additional terms to the Jessamine county court.

By Mr. Morehead—15. A bill for the benefit of Frances Kerchival.

By Mr. Coffman—16. A bill to allow two additional justices of the peace for Muhlenburg county, and for other purposes.

By Mr. Wickliffe—17. A bill to authorise the subscription of stock on the part of the state in the Louisville and Bardstown Turnpike road company.

By Mr. McClure—18. A bill to amend an act entitled an act to establish a road from Louisville to the state line in a direction to Knoxville.

Which bills were severally received and read the first time and ordered to be read a second time.

The yeas and nays being required on reading the eighth bill a second time, by Messrs. Phelps and Jonas, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Coffman, Crockett, Crow, Culley, Culp, J. Davis, English, Gardner, Garnett, Gatewood, Grundy, Harrison, Heddleston, Henderson, Irvine, Jasper, Johnson of Livingston, Jonas, McGoodwin,

May, J. W. S. Mitchell, Morehead, J. S. Morgan, Nuttall, Paris, Perrin, Phelps, Sayers, Slaughter, Stevenson, Stockton, Stone, Todd, Trimble, Underwood, Vanmetre, Ward, J. P. White, J. W. Williams, and S. Williams—47.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Cochran, Colyer, Combs, Cruse, Cunningham, G. Davis, Dillon, Duff, Dunlap, Hanson, J. L. Helm, T. J. Helm, Hinton, Hunton, Jones, Knot, McClure, Marshall, Merrifield, R. Mitchell, D. Morris, G. Morris, Murrell, Parker, Pope, Riffe, Ryon, Seaton, Shackelford, Sneed, Sterett, Tompkins, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, Wilson and Wortham—46.

Ordered, That the Public Printer forthwith print 150 copies of the first, second, third and thirteenth bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second and third reading of the fifth, sixth, seventh, ninth, fourteenth, fifteenth, sixteenth and eighteenth bills, (and the second reading of the thirteenth bill,) having been dispensed with, and the same being engrossed.

Resolved, That the said bills (the thirteenth excepted,) do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Ordered, That the thirteenth bill be committed to the committee for courts of justice.

Mr. Paris moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of passing a law to obtain executions and copies of records from the office of magistrates who may be absent from their respective counties for the term of — months and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Stone moved the following resolution:

Resolved, That the committee of courts of justice enquire into expediency of bringing in a bill, so to amend the law establishing the county courts, or to compel the punctual attendance of each member at every monthly court, and to say what length of absence from court, or from the duties of their office, shall amount to a forfeiture of office, and said committee shall report by bill or otherwise.

Which being twice read, was adopted.

Mr. McGoodwin moved the following resolution:

Resolved, That the committee on courts of justice be directed to enquire into the expediency of passing a law authorising the taking of depositions to be read in courts of law, as well as in

courts of chancery, where the witnesses reside farther from the court where the cause may be pending, than 50 miles.

Which being twice read, was adopted.

Mr. Crockett moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of repealing the 10th section of an act, passed February 3rd, 1798, concerning the marriage of infant wards, between the ages of 12 and 16, without the consent of their guardians, and in that case forfeiting the estate of said ward to the next of kin, and that said committee report by bill or otherwise.

Which being twice read, was adopted.

Mr. Marshall moved the following resolution:

Resolved, That the committee of courts of justice be directed to enquire into the expediency of placing sales of real estate under decrees and orders in chancery, upon the same footing with sales of such estate under and in virtue of executions at common law, and that they report by bill or otherwise.

Which being twice read, was adopted.

On motion—

Ordered, That Messrs. Seaton and Wigginton be added to the committee on internal improvements.

Mr. Seaton moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of providing for the payment of jurors summoned under the law against riots, routs, unlawful assemblies and breaches of the peace, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Wortham moved the following resolution:

Whereas it is represented to this house that Col. John Porter, the member returned after the last August election for this session, for the counties of Butler and Edmondson has departed this life—

Wherefore it is *Resolved*, That this house deeply deplore the loss of their worthy friend, Col. John Porter, and that each member of this house, wear crape on his left arm thirty days as a testimonial of their high respect for his worth, virtues and revolutionary services.

Which being twice read, was adopted.

Mr. Sneed moved the following resolution:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of providing by law, for having candidates at any election held in this Commonwealth, furnished with a certificate of the result of said election as soon as held.

Which being twice read, was adopted.

Mr. Shackelford moved the following resolution:

Resolved, That it be a standing rule of the House of Representatives, that the Public Printer make, or cause to be made an index to the journals, and that the same be printed and bound therewith.

Which being twice read, was adopted.

Mr. Davis (of Montgomery,) moved the following resolution:

Resolved, That so much of the Governor's message as relates to the collection of the revenue for 1833, and the appointment of Commissioners of tax, be referred to the committee of ways and means, and that they be instructed to make report thereon to this house.

Leave was given to bring in the following bills:

On the motion of Mr. T. J. White—1. A bill to amend the law prohibiting obstructions in the navigable streams of this Commonwealth by fish dams.

On the motion of Mr. Culp—2. A bill for the benefit of John F. Power.

On the motion of Mr. Pope—3. A bill to amend the law regulating tavern licenses and the collection of fees.

On the motion of Mr. Phelps—4. A bill to repeal an act approved January 14th, 1833, entitled an act to authorise the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.

On the motion of Mr. Phelps—5. A bill to incorporate the city of Covington.

On the motion of Mr. McGoodwin—6. A bill to legalize the proceedings of the Caldwell county court at their November term, 1833.

On the motion of Mr. Cheek—7. A bill to amend an act entitled an act to repeal the law now in existence in relation to head right settlers, and to dispose of the balance of the debt due from this class of debtors, to the purposes of internal improvements, approved January 31st, 1833.

On the motion of Mr. Jones—8. A bill to allow an appropriation of land warrants for the further improvement of certain roads in this Commonwealth.

On the motion of Mr. Jones—9. A bill to allow to the county of Harlan one additional justice of the peace, and one additional constable.

On the motion of Mr. Anderson—10. A bill for the further regulation of the town of Lebanon, in Washington county.

On the motion of Mr. Jonas—11. A bill to appoint trustees for the town of Williamstown, and for other purposes.

On the motion of Mr. Calvert—12. A bill to establish the town of Felicinia, Graves county, and appoint trustees for the same.

On the motion Mr. Trimble—13. A bill to amend and explain the laws concerning sheriffs, constables and jailors fees.

On the motion of Mr. Helm—14. A bill to establish a Bank, to be styled the Farmers, Mechanics and Merchants Bank of Kentucky.

On the motion of Mr. Helm—15. A bill to incorporate the trustees of Mount Pleasant meeting house, in the town of Brandenburg.

On the motion of Mr. Mitchell—16. A bill requiring practising physicians to obtain certificates of qualification, and for other purposes.

On the motion of Mr. D. White—17. A bill to amend an act entitled an act to improve a road leading from Williamsburg in Whitley county, to Buck creek in Pulaski county, approved January 30th, 1833.

On the motion of Mr. Colyer—18. A bill to allow William McHargue of Laurel county to erect a gate across the road leading from Goose creek salt works to Whitley county.

On the motion of Mr. Ward—19. A bill to improve the road from West Liberty in Morgan county, to little Sandy salt works, down Bruen creek.

On the motion of Mr. Parker—20. A bill to extend the boundary of the election precinct in Maysville.

On the motion of Mr. Colyer—21. A bill appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the wilderness road.

Messrs. White (of Anderson,) J. Morgan and J. W. S. Mitchell were appointed a committee to prepare and bring in the first; Messrs. Culp, Stevenson and Perrin the second; Messrs. Pope, Nuttall and Allen the third; Messrs. Phelps, Sayers and Jonas the fourth and fifth; Messrs. McGoodwin, Crockett and Todd the sixth; the committee for courts of justice the seventh and thirteenth; the committee of internal improvements the eighth and twenty-first; Messrs. Jones, D. White and Barlow the ninth; Messrs. A. Anderson, Knot and Ward the tenth; Messrs. Jonas, Garnett and Perrin the eleventh; Messrs. Calvert, Helm and Nuttall the twelfth; Messrs. J. L. Helm, Byers, Phelps, Combs, Johnson (of Scott,) Williams (of Wayne) Anderson (of Green,) Crockett, Crow, Hanson, Davis (of Bourbon,) Haskin, Alsop, Seaton, Wigginton and Slaughter the fourteenth; Messrs. J. L. Helm, Culley and Sterett the fifteenth; Messrs. J. W. S. Mitchell, White (of Anderson,) and Tompkins the sixteenth; Messrs. D. White, Hunton and Colyer the seventeenth; Messrs. Colyer, Wilson and Riffe the eighteenth; Messrs. Ward, Gatewood and Seaton the nineteenth; and Messrs. Parker, Byers and G. Davis the twentieth.

A bill from the Senate, entitled an act amendatory to an act concerning the public Library and to appoint a librarian,

Was read the first time and ordered to be read a second time;

and thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.
And then the House adjourned.

MONDAY, JANUARY 6, 1834.

1. Mr. Barlow presented the petition of Moses Curtis, praying a divorce from his wife, Sarah Curtis.

2. Mr. Hanson presented the petition of Alfred Bowrin, jailor of Clarke county, praying that a sum of money, expended by him in apprehending three persons charged with felony, who made their escape from the jail of said county, may be refunded to him.

3. Mr. Jonas presented the petition of Josiah Davis, committee for John McCormack and Effie McCormack, persons of unsound mind, praying that a law may pass to authorise the sale of a tract of a land belonging to said Lunatics, to be applied to their support and maintenance.

4. Mr. Ward presented the petition of James Clam, praying that a law may pass to authorise him to make a conveyance of a tract of land, formerly conveyed to his son, a minor, by the request of the petitioner.

5. Mr. Merrifield presented the petition of Henry A. Kertz of Nelson county, praying the passage of a law to confirm to him, the title he has acquired to a tract of land in Nelson county under a Kentucky land warrant; the said land being at the time of his location thereof, forfeited to the Commonwealth for the non-payment of the taxes due thereon, or to permit him to locate said warrant on other vacant lands of the Commonwealth.

6. Mr. Garnett presented the petition of the heirs of Joseph Marshall, deceased, (some of whom are infants) praying the passage of a law to authorise the sale of a tract of land devised to them, lying in the county of Boone.

Which petitions were severally received, read and referred; the first to the committee of religion; the second to the committee of claims; and the third, fourth, fifth and sixth to the committee for courts of justice.

Mr. Phelps from the committee for propositions and grievances made the following report:

The committee of propositions and grievances have had under consideration sundry petitions to them referred, and have come to the following resolutions thereon:

1. *Resolved*, That the petition of Frances Ann Bridges, praying a donation of a tract of land, west of the Tennessee river is reasonable.

2. *Resolved*, That the petition of Sarah Pace, praying a donation of a tract of land west of the Tennessee river in Calloway county is reasonable.

3. *Resolved*, That the petition of Anna Johnson, praying a donation of a tract of land west of the Tennessee river, in the county of Graves, is reasonable.

4. *Resolved*, That the petition of sundry citizens of Harlan county, praying for the establishment of an additional election precinct is reasonable.

Which being twice read, was concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said report:

On the motion of Mr. Wickliffe chairman of the committee for courts of justice,

Ordered, That the said committee be discharged from the further consideration of a resolution directing said committee to enquire into the expediency of bringing in a bill to authorise infant *femes covert* to relinquish dower; also from the further consideration of a resolution directing said committee to enquire into the expediency of reporting a bill to allow justices of the peace additional fees for committing runaway slaves, and for other services.

The following bills reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Phelps from the committee of propositions and grievances—1. A bill allowing the county of Christian an additional justice of the peace, and for other purposes.

2. A bill to add a small part of Harrison county to the county of Grant.

3. A bill to change the place of voting at a precinct in Grant county, and for other purposes.

By Mr. Helm from the committee of claims—4. A bill for the benefit of Edward Brown.

By Mr. Wickliffe from the committee for courts of justice—5. A bill for the benefit of the widow and heirs of James Mallory, deceased.

6. A bill for the benefit of the heirs of Samuel Allison, deceased.

7. A bill regulating the proceedings upon mortgages executed for the payment of money.

8. A bill to amend the penal laws of this Commonwealth, and the better to secure and guard the right of suffrage and freedom of elections therein.

By Mr. Stevenson from the committee of religion—9. A bill for the benefit of Amelia S. Barnes.

10. A bill for the benefit of Polly Raines.

11. A bill for the benefit of Elizabeth Dick.

By Mr. Paris—12. A bill to prevent the sale of growing crops.

By Mr. Pope—13. A bill to amend the acts concerning the town of Shepherdsville.

14. A bill to amend the law regulating tavern license and the collection of fines.

By Mr. Phelps—15. A bill to repeal an act approved January 14th, 1833, entitled an act to authorise the trustees of the New-port seminary to sell their donation lands, and for other purposes.

By Mr. McGoodwin—16. A bill to legalize the proceedings of the Caldwell county court.

By Mr. Jones—17. A bill to allow an additional justice of the peace and constable for the county of Harlan.

By Mr. May—18. A bill to improve the navigation of big Sandy river.

By Mr. Anderson (of Green)—19. A bill to empower the trustees of the town of Lebanon to open alleys in said town.

By Mr. Calvert—20. A bill to establish the town of Feliciana in Graves county.

Also—21. A bill appropriating a portion of the vacant lands in the district of country west of the Tennessee river for the purpose of education, or of making certain improvements in said district, and for other purposes.

By Mr. Perrin—22. A bill to improve and open the road from the Rocky spring in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

By Mr. D. White—23. A bill to amend an act to provide for the improvement of roads in certain counties, approved January 30th, 1833.

By Mr. Hunton—24. A bill to provide for the improvement of the road from Frankfort to Crab Orchard, Lincoln county.

Dy Mr. Colyer—25. A bill allowing William McHargue of Laurel county to erect a gate across the road leading from the Goose creek salt works to Whitley county, and for other purposes.

By Mr. Ward—26. A bill to amend the law regulating elections in this Commonwealth.

By Mr. Barlow—27. A bill to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

By Mr. Wickliffe—28. A bill for the benefit of Elijah Barnes.

By Mr. Crow—29. A bill to amend an act entitled an act for incorporating the Hartford bridge company, approved December 3rd, 1833.

By Mr. S. Williams—30. A bill to authorise the election of trustees for the town of Monticello.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the Public Printer forthwith print 150 copies of the seventh, eighth and fourteenth bills for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the first, third, fourth, fifth, sixth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, twenty-eighth, twenty-ninth and thirtieth bills having been dispensed with; the first, third, fourth, fifth, sixth, ninth, tenth, eleventh, thirteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-third, twenty-fifth, twenty-eighth and thirtieth, (the first, third, seventeenth and twenty-fifth, having been severally amended at the Clerk's table,) were severally ordered to be engrossed and read a third time; the twelfth was committed to the committee for courts of justice; the eighteenth, twenty-second, twenty-fourth, twenty-seventh and twenty-ninth to the committee of internal improvement; and the twenty-first to the committee of education.

And thereupon the rule of the house, constitutional provision and third reading of the first, third, fourth, fifth, sixth, ninth, tenth, eleventh, thirteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-third, twenty-fifth, twenty-eighth and thirtieth bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass; that the titles of the first, third, fourth, fifth, sixth, ninth, tenth, eleventh, thirteenth, fifteenth, sixteenth, nineteenth, twentieth, twenty-third, twenty-fifth, twenty-eighth and thirtieth be as aforesaid; and that of the seventeenth be amended to read "an act to appoint justices of the peace and constables to certain counties."

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

After the reports from the standing committees had been gone through and disposed of, the Speaker announced that reports from select committees would be in order, and proceeded to call the alphabetical list of the counties as directed by the rule of the House, adopted on the instant.

Mr. Crow objected to this mode of proceeding as against said rule, alleging, as the proper construction of the said rule, that the Speaker should have "*called for motions*," commencing with the county where the "*call for motions*" was suspended on Saturday evening, and appealed to the House from the decision of the Speaker.

The question was then put—Is the decision of the chair correct? which was decided in the affirmative.

Mr. J. W. Williams moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the relation now subsisting between Kentucky and Tennessee, respecting the boundary line between the two states, and particularly that part of the line that separates the county of Simpson from the state of Tennessee, and that the said committee be further instructed to enquire into the expediency of asserting by law, jurisdiction of the state of Kentucky, over the territory claimed by her, and heretofore recognised as being within her limits, and that the said committee report thereon by bill or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. J. S. Morgan—1. A bill to regulate the fines and forfeitures in Nicholas county.

On the motion of Mr. Colyer—2. A bill to change the law respecting the working and keeping in repair the Crab Orchard and Madison state roads, and the Salt works road in Laurel and Rockcastle counties.

By Mr. S. Williams—3. A bill to authorise the transcribing of certain records of the Wayne county court.

Messrs. J. S. Morgan, Stockton and Heddleston were appointed a committee to prepare and bring in the first; the committee of internal improvement the second; and Messrs. S. Williams, Cheek and McClure the third.

And then the house adjourned.

TUESDAY, JANUARY 7, 1834.

1. Mr. J. W. S. Mitchell presented the petition of sundry citizens of Jessamine county, praying that certain amendments may be made to the laws to prohibit the erection of fish dams, traps and other obstructions to the navigation of the Kentucky river.

2. Mr. Sneed presented the petition of Elizabeth Chapman, praying a divorce from her husband, Thomas Chapman.

3. Mr. May presented the petition of Isabella Rowland, praying a divorce from her husband, Samuel Rowland.

Mr. Calvert presented the petition of sundry citizens of Hickman county, praying the removal of the seat of justice of said county from the town of Clinton, to the town of Columbus.

5. Mr. Ward presented the petition of sundry citizens of Pike county, praying the passage of a law to abolish the two election precincts in said county, and to establish an election precinct therein, in lieu of those so to be abolished.

6. Mr. Sneed presented the petition of Thomas Chapman, praying a divorce from his wife, Elizabeth Chapman.

7. Mr. Coffman presented the petition of Barnett Eades, praying that a law may pass, to authorise the Register of the Land office to receive and register a copy of a platt and certificate of survey, (the original having been lost) and to issue to him a patent thereon for a tract of land, lying in Muhlenburg county.

8. Mr. Barlow presented the petition of Orsborne Bland, praying a divorce from his wife, Harriet Bland.

9. Mr. Brown presented the remonstrance of sundry citizens of Washington county, against any division of said county, for the purpose of forming a new county.

10. Mr. Crockett presented the petition of the officers of the 39th Regiment of Kentucky militia residing in Christian county, praying that a law may pass to authorise said Regiment to receive from another Regiment of Christian county a part of its surplus funds, to enable them to pay the debts owing by the regiment first mentioned.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to a select committee of Messrs. J. W. S. Mitchell, White (of Anderson,) Watkins and Cruse; the second, third, sixth and eighth to the committee of religion; the fourth, fifth and ninth to the committee of propositions and grievances; the seventh to the committee of courts of justice; and the tenth to the committee on military affairs.

Mr. Phelps from the committee of propositions and grievances made the following report:

The committee of propositions and grievances have had under their consideration the petition of sundry citizens of the county of Hopkins, praying the removal of the election precinct heretofore established at the house of Christopher Jackson in said county, and are of opinion that the same be rejected.

Also the petition of sundry citizens of the counties of Muhlenburg, Davies and Ohio, praying that a new county be erected out of parts of said counties, as set forth and prayed for in said petition, and are of opinion that the same be rejected.

Which being twice read, was concurred in.

A message was received from the Senate announcing the passage of a bill entitled an act for the benefit of Jacob Spaw and his children.

On the the motion of Mr. Wickliffe:

Ordered, That the committee for courts of justice be discharged from the further consideration of the petitions of Edward Dorton; Mary Blevins and children; Sally Gaither; Eleanor Morton; the petition of the heirs of Samuel Sims; Henry A. Kurtz; Benedict Carrico; Josiah Davis; Sally Hall; Frederick Snider; James Clam; Angus Ross; William Hayden and oth-

ers, and Robert Blackburn; and that the same be laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Phelps from the committee of propositions and grievances—1. A bill to change the name of Wesley Blake.

2. A bill for the benefit of William Garrett.

3. A bill to establish an election precinct at the house of Benjamin Hale on Troublesome creek, in Perry county.

4. A bill to establish an election precinct in Graves county.

By Mr. Helm from the committee of claims—5. A bill for the benefit of Alfred Bowren.

By Mr. Wickliffe from the committee of courts of justice—6. A bill to authorise Levi Jones to withdraw the will of Richard Jones Waters from the county court of Jefferson.

7. A bill for the benefit of Samuel Payne and the heirs and representatives of John Pattie, deceased.

8. A bill to amend the law concerning the trial of the right of property.

By Mr. Stevenson from the committee of religion—9. A bill for the benefit of Mark Philips.

10. A bill for the benefit of Matthias Davis.

11. A bill for the benefit of Milly Stockdale.

By Mr. Combs from the committee of internal improvement—12. A bill to authorise Fleming Jones to build a mill dam across the south fork of little Barren river.

13. A bill appropriating an additional sum of money for the erection of a bridge across Rockcastle river on the wilderness road.

14. A bill to improve the navigation of Nolin.

15. A bill appropriating certain lands for improving certain roads in Harlan county.

16. A bill to build a bridge across Gillico river in Whitley county.

17. A bill to incorporate the Richmond and Lexington turnpike road company.

18. A bill to improve the road leading from Frankfort through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy river.

By Mr. Marshall—19. A bill to authorise the board of internal improvement for Shelby county to erect toll gates.

Which bills were severally received and read the first time and ordered to be read a second time.

Ordered, That the Public Printer forthwith print 150 copies of the eighth bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the first, second, third, fourth, fifth, sixth,

seventh, ninth, tenth, eleventh, twelfth, fifteenth, sixteenth, eighteenth and nineteenth bills having been dispensed with, the said bills (the eighteenth excepted, which was committed to the committee of internal improvements,) were severally ordered to be engrossed and read a third time.

And the constitutional provision, rule of the house, and third reading of the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth, eleventh, twelfth, fifteenth, sixteenth and nineteenth bills having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Wickliffe from the committee for courts of justice reported the following resolution, which was twice read and adopted, viz:

Resolved, That the clerk of this house procure for the use of each standing committee, three of a complete set of the laws of Kentucky, published by Littell, and the subsequent session acts, to be placed under the charge of the chairman of each committee, and at the end of the session, that the same be deposited in the library for the use of the House of Representatives at each succeeding Legislature.

A bill from the Senate entitled an act for altering the times of holding the Fayette and Scott Circuit courts; was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

Mr. English moved the following resolution:

Resolved, By the House of Representatives, that the Governor be requested to order a national salute on the 8th inst. in commemoration of the glorious victory achieved by the brave officers and soldiers at the battle of New-Orleans on the eighth of January, 1815.

Which being twice read; Mr. Jonas then moved to amend the same by adding thereto, the following proviso:

Resolved, That nothing herein contained, shall be construed as sanctioning the unfounded calumny against the brave Kentuckians who fought on that glorious occasion.

Mr. S. Williams then moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stevenson and Jonas were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Brown, Byers, Cheek, Clarke, Cochran, Colyer, Combs, Crockett, Culley, Cunningham, J. Davis, Duff, Dunlap, Garnett, Gatewood, Grundy, Heddleston, T. J. Helm, Hinton, Hunton, Jonas, Jones, Knot, McClure, McGoodwin, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackleford, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson and Wortham—54.

NAYS—MR. SPEAKER, Messrs. Allen, A. Anderson, Barlow, Bradley, Calvert, Coffman, Crow, Cruse, Culp, Dillon, English, Gardner, Hanson, J. L. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Slaughter, Stevenson, Stone, Trimble, Ward, J. P. White and T. J. White—39.

And then the House adjourned.

WEDNESDAY, JANUARY 8, 1834.

Mr. Joseph Haskin, a member returned to serve in this house from the county of Mercer, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution of the United States and the constitution and laws of this State, and took his seat.

1. Mr. D. White presented the petition of William P. Shackleford, praying compensation for his trouble and for expenses incurred by him in apprehending and bringing to justice a certain Willis Willeford who has been convicted of felony.

2. Mr. Stevenson presented the petition of the citizens of Stamping Ground in Scott county, praying the establishment of said town, and the passage of suitable laws for the government of said town.

3. Mr. S. Williams presented the petition of Henry Hall, praying a divorce from his wife.

4. Mr. Hunton presented the petition of Letitia E. Rochester, widow of William L. Rochester, deceased, praying the passage of a law to authorise the sale of certain slaves belonging to said estate.

5. Mr. Johnson (of Scott,) presented the petition of James Jackson, a constable of said county, praying that a law may pass to authorise the county court of Scott to make him an allowance

for certain services by him performed, for which no fees are now allowed by law.

6. Mr. Combs presented the petition of Henry H. Vaughn, praying a divorce from his wife, Mary P. late Mary P. Fleming.

Which petitions were severally received, the reading thereof dispensed with and referred; the first and fourth to the committee for courts of justice; the second and fifth to the committee of propositions and grievances; and the third and sixth to the committee of religion.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act to direct the sale of a lot of ground and meeting house in Bath county, called new Salem.

An act for the benefit of Frances Kercheval.

Also the passage of bills of the following titles:

An act to allow an additional justice of the peace in Greenup county.

An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Hardin county.

On the motion of Mr. Wickliffe:

Ordered, That the committee for courts of justice be discharged from the further consideration of the petitions of Elizabeth Shirley; Selah Warder and others; from the further consideration of a resolution directing said committee to enquire into the expediency of passing a law authorising the taking of depositions to be read in courts of law, as well as in courts of chancery, where the witnesses reside further from the court, where the cause may be pending, than 50 miles; also from the further consideration of a resolution directing said committee to enquire into the expediency of providing for the payment of jurors summoned under the law against riots, routs, unlawful assemblies and breaches of the peace.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Phelps from the committee of propositions and grievances—1. A bill to authorise the Receiver of public moneys for the land district west of the Tennessee river, to grant certificates to certain persons, and for other purposes.

2. A bill for the benefit of Robert Sanders.

3. A bill to erect and establish a new county out of a part of Washington county, and for other purposes.

4. A bill to extend the boundary and jurisdiction of the town of Paducah.

By Mr. Wickliffe from the committee for courts of justice—5. A bill to repeal so much of the act of 1798, as forfeits the estate of infant wards who marry against the will of their guardians.

6. A bill for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

7. A bill for the benefit of the heirs of James Y. Kelly, deceased.

By Mr. Stevenson from the committee of religion—8. A bill for the benefit of Thomas L. Welch.

9. A bill to divorce Patrick W. Carson.

10. A bill for the benefit of Mary Peters.

11. A bill for the benefit of Keziah Arnold.

By Mr. Hanson from the committee of ways and means—12. A bill to provide for the annual appointment of commissioners to take in lists of taxable property and for the annual valuation thereof.

By Mr. Combs from the committee of internal improvement—13. A bill to improve the navigation of Trade water river.

14. A bill to incorporate a company to construct a turnpike road from Covington, through Williamstown and Georgetown, to Lexington in Fayette county.

15. A bill for the benefit of Colemansville.

By Mr. Henderson—16. A bill to improve certain public roads in Lewis county.

By Mr. Parker—17. A bill to extend the boundary of the Maysville election precinct in the county of Mason.

18. A bill to amend the law relative to patroles.

By Mr. J. S. Morgan—19. A bill to regulate the fines and forfeitures of Nicholas county.

Which bills were severally received and read the first time and ordered to be read a second time:

And thereupon the rule of the house, constitutional provision and second reading of said bills (the third and sixteenth excepted) the first, second, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, fifteenth, seventeenth, and nineteenth were ordered to be engrossed and read a third time; the twelfth was committed to the committee of ways and means; and the thirteenth, fourteenth and seventeenth to the committee of internal improvements.

And thereupon the rule of the house, constitutional provision and third reading of the first, second, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, fifteenth, seventeenth and nineteenth bills having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Wickliffe from the committee for courts of justice to whom was referred a bill to prevent the sale of growing crops, reported the same with an amendment, which being twice read was concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Combs from the committee of internal improvement to whom was referred.

1. A bill to provide for the improvement of the road from Frankfort to Crab Orchard, Lincoln county.

2. A bill to amend an act entitled an act for incorporating the Hartford bridge company, approved December 5, 1823.

3. A bill to improve and open the road from the Rocky Spring in Harrison county, by the way of Colemansville to Williamstown in Grant county,

Reported the former without, and the two latter with amendments to each, which being severally twice read, were concurred in.

Ordered, That the said bills be engrossed and read a third time to-morrow.

A bill from the Senate entitled an act to authorise the insertion of certain advertisements in the Advocate of Popular Rights, printed in Shelbyville, was read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bill having been dispensed with, (the same having been amended at the Clerk's table at the second reading,)

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

Mr. Trimble from the select committee appointed for that purpose, reported a bill concerning appeals from justices of the peace; which was received and read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

And then the house adjourned.

THURSDAY, JANUARY 9, 1834.

The Speaker laid before the House a letter from James G. Birney, Esq. soliciting the use of the Representative chamber, for the purpose of delivering an address.

Which was received, read and laid on the table.

Mr. Wickliffe moved the following resolution:

Resolved, That the house of Representatives duly appreciate the motives and approve the objects contemplated by the General Education Convention to be holden in Frankfort on this day, and

that the use of the Representatives' Hall be tendered to the members of said Convention for this week, after two o'clock, P. M. of each day.

Which being twice read, was adopted.

1. Mr. Combs presented the petition of Thomas B. Megowan, jailor of Fayette county, praying that a law may pass granting him compensation for keeping a negro man committed to the jail of said county, as a runaway slave by the proper authority, but who proved to be a Lunatic, and has since been removed to the Lunatic Asylum, and it is not ascertained whether he is a slave or not.

2. Mr. Calvert presented the petition of sundry citizens of the county of Hickman, praying the removal of the seat of justice of said county from the town of Clinton to the town of Columbus: also the petition of sundry other citizens of said county, counter thereto.

3. Mr. Crockett presented the remonstrance of the officers and collector of the 97th Regiment Kentucky Militia, remonstrating against the petition of the 39th Regiment, proposing to withdraw certain money from the hands of the former Regiment.

4. Also the petition of Strother Jones Hawkins, of Christian county, representing that he was the owner of a negro man slave, who was tried and convicted in said county of the murder of another slave in said county: that he made his escape from jail, previous to the day appointed for his execution, and has not since been heard of, and praying the passage of a law to authorise the payment to him of the value of said slave.

5. Also the petition of James Miller praying that a law may pass to authorise the sale of the interest of his infant daughter in and to the estate of her grandfather, Daniel McClelland, deceased.

6. Mr. Stone presented the petition of George Lansdown of Bath county, representing that he is confined in the jail of said county on the charge of murder; and that from the prejudice existing against him in said county, he cannot receive a fair and impartial trial, and praying a change of venue.

7. Mr. Sterett presented the petition of Elizabeth Monks and William Adams, administrators of James Monks, deceased, praying that a law may pass to authorise the sale of the real estate of the decedent, for the purpose of discharging the debts of the estate.

8. Mr. Todd presented the petition of Henry G. Mitchell praying that a law may pass to authorize him to continue his dam across big Barren river, by making certain improvements to the same, so as to admit the passage of boats up and down, instead of having his dam torn down.

9. Mr. Phelps presented the petition of sundry citizens of

Campbell county, praying the passage of a law to authorise Joseph Dawson to peddle without obtaining license.

Which petitions were severally received, the reading thereof dispensed with, and referred; the first, second, eighth and ninth to the committee of propositions and grievances; the third to the committee on military affairs; the fourth to a select committee of Messrs. Crockett, Wigginton, Clarke and Harrison; the fifth, sixth and seventh to the committee for courts of justice.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act to extend the bounds of Elizabeth, in Hardin county.

An act to incorporate the Union School for Cumberland county, Kentucky.

An act to increase the number of justices of the peace in the counties of Pulaski and Wayne.

An act incorporating the Maysville Insurance company.

Mr. Hanson from the committee of ways and means to whom was referred a bill to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof, reported the same with an amendment, which being twice read, was concurred in, and the said bill as amended, was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Combs from the committee of internal improvements, to whom was referred:

1. A bill to improve the navigation of big Sandy river.

2. A bill to improve the road leading from Frankfort, through Winchester, Mountsterling and Owingsville to the mouth of big Sandy river.

3. A bill appropriating a portion of the vacant lands in the district of county, west of the Tennessee river to the purpose of education, or of making certain improvements in said district, and for other purposes,

Reported the two former with, and the last without amendment; the amendments to the two former bills having been concurred in,

Ordered, That the said bills be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the latter bill having been dispensed with,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Phelps moved the following resolution:

Resolved, That the committee of education be directed to act and confer with such committee as may be appointed on the part of the convention about to meet in the town of Frankfort, upon the subject of providing a general system of education for this Commonwealth; and that said committee report to this House, all and every information which they may have or may be put in possession of, calculated to promote the cause of education; and that they prepare and report to this House a bill to provide a general system of education in this Commonwealth.

Which being twice read, was adopted.

Ordered, That Mr. Phelps be added to the committee of education; and Mr. Garnett to the committee of internal improvements.

And then the house adjourned.

FRIDAY, JANUARY 10, 1834.

1. Mr. Morgan (of Mercer,) presented the petition of the widow and infant heirs of Stephen E. Jones, deceased, praying the passage of a law authorising the sale of a tract of land lying in the county of Washington.

2. Mr. Perrin presented the petition of Somerville Carey, praying a divorce from her husband, Greenberry Carey.

3. Mr. Haskin presented the petition of Eliza Boyd, praying a divorce from her husband, Elisha Boyd.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee for courts of justice; and the second and third to the committee of religion.

Mr. Hanson from the committee of ways and means, made the following resolution:

The committee of ways and means, to whom was referred so much of the Governor's message as relates to the revenue, report that they have had that subject under consideration, and have come to the following resolution thereupon, to wit:

Resolved, That a law ought to pass increasing the revenue, so far as may be necessary to defray the ordinary expenses of the Government.

Which being twice read, was adopted.

A message was received from the Senate, announcing the passage of a bill, which originated in this house, entitled,

An act to organise a fire company in the town of Frankfort,

And the passage of bills of the following titles:

An act to regulate the number of justices of the peace in the county of Mercer.

An act for the benefit of Sophia Griggs.

An act for the benefit of the Sheriff of Washington county.

The following bills were reported from the several committees, appointed to prepare and bring in the same, viz:

By Mr. Phelps from the committee of propositions and grievances—1. A bill to establish the town of Stamping Ground.

By Mr. Marshall from the committee of education—2. A bill for the benefit of Augusta College.

By Mr. Jonas—3. A bill to incorporate a Bridge company at Falmouth.

By Mr. Stevenson—4. A bill to amend the penal laws.

By Mr. J. W. Williams—5. A bill for the benefit of William M. Low.

By Mr. Vanmetre—6. A bill for the benefit of Richard B. Perkins.

By Mr. S. Williams—7. A bill to authorise the Clerk of the Wayne county court, to transcribe certain records in said office.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of the said bills having been dispensed with, the first, second and seventh were severally ordered to be engrossed and read a third time; the third was committed to the committee of internal improvement; and the fourth, fifth and sixth were committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision and third reading of the first and seventh bills having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Combs from the committee on internal improvements to whom was referred:

A bill to improve the navigation of Trade water;

A bill to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington in Fayette county;

Reported the same without amendment.

Ordered, That the said bills be engrossed and read a third time to-morrow.

Mr. T. J. White moved the following resolution:

Resolved, That the committee on military affairs be instructed to enquire into the expediency of reviving the militia law of 1815.

Which being twice read, was adopted.

Mr. Crockett moved the following resolutions:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing by law for the payment of grand jurors in this Commonwealth, and that they report by bill or otherwise.

Resolved, That the committee on military affairs be instructed to enquire into the expediency of so amending the law requiring the Captains of militia companies to execute bond, with security, for any public arms received from the Commonwealth, as to make it the duty of each successive Captain who may have the custody of said arms, to execute a new bond, with security, as now required by law.

Which being severally twice read, were adopted.

Mr. Jones moved the following resolution:

Resolved, That the committee of courts of justice be instructed to enquire into the propriety of allowing reasonable compensation to Elisha Green, Sheriff of Harlan county, for his services and expenses in going twice to the state of Tennessee for George Rowland, charged with a felonious offence. And also as to the propriety of paying the guard he employed for said purpose.

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of bringing in a bill to prevent non-residents from driving their stock into this state to enjoy the benefit of the range thereof.

Which being severally twice read, were adopted.

Mr. Marshall read and laid on the table the following resolution:

Resolved, That a joint committee of six members from the House of Representatives, and three from the Senate be appointed to examine into the state of the Registers' office.

And thereupon the rule of the house having been dispensed with, the said resolution was taken up, twice read, and adopted.

Ordered, That the Clerk carry the said resolution to the Senate, and request their concurrence.

Mr. Marshall moved the following resolutions:

Resolved, That the committee on internal improvements be instructed to enquire into the policy and practicability of so improving the Kentucky river, from its junction with the Ohio to Boonesborough, as to render the same navigable for steam boats or battaux, at all seasons of the year, and make report what improvements can be probably made, if not to the extent suggested; the plan upon which to be made, and the probable expense of such works.

Resolved, That the committee on internal improvements be requested to enquire into the expediency of reporting a bill to provide for the establishment of a permanent board of internal improvements for the state of Kentucky; and for the appointment of

state engineers, in which bill they are desired, if the same be reported, to prescribe the respected duties of said board and of the engineer.

Which being severally twice read, were adopted.

Mr. Tompkins moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing, by law, that the depositions of judges may be taken in common law suits to be read in chief.

Which being twice read, was adopted.

Mr. Seaton moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reviving and amending the attachment laws of this Commonwealth, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Morehead moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of changing so much of the execution laws of 1827, as relates to delivery bonds, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Barlow moved the following resolution:

Resolved, That the committee of military affairs be instructed to enquire into the expediency of so changing the militia law as to exempt non-commissioned officers from attending drill musters, and that they report to this house by bill or otherwise.

Which being twice read, was adopted.

Mr. Davis (of Montgomery,) moved the following resolution:

Resolved, That for the remainder of this session, this House will meet at 9 o'clock, A. M.

Which being twice read, was laid on the table.

Mr. Wickliffe moved the following resolution:

Resolved, That a committee of seven be appointed to enquire into the expediency of appointing a state escheator, and of providing out of estates forfeited, a fund for the support of common schools.

Which being twice read, was adopted:

And Messrs. Wickliffe, L. Anderson, G. Morris, Phelps, Johnson (of Scott,) Hanson and Crockett, appointed a committee pursuant thereto.

On motion—

Ordered, That Mr. J. Davis be added to the committee on military affairs.

Mr. R. Mitchell moved the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of allowing the right of trial by

jury before justices of the peace in cases under five pounds, and report by bill or otherwise.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. White (of Anderson)—1. A bill to amend an act entitled an act to regulate the duties of justices of the peace.

On the motion of Mr. Pope—2. A bill to incorporate the Shepherdsville and Elizabethtown Turnpike road company.

3. A bill to allow an additional justice of the peace to Bullitt county, to reside in the Knob creek settlement.

4. An act to extend the July terms of the Bullitt circuit court.

On the motion of Mr. Stone—5. A bill to provide for the opening a road from Flat rock, Bourbon county, by way of Sharpsburgh, Bath county, to intersect the main road leading from Lexington to the mouth of Big Sandy, at Owingsville.

On the motion of Mr. Sterett—6. A bill to improve the state road leading from Bowlinggreen to Cloverport, on the Ohio river.

On the motion of Mr. Phelps—7. A bill to alter and amend the several laws establishing and regulating towns in this Commonwealth.

On the motion of Mr. McGoodwin—8. A bill to appoint trustees to the Union school in Caldwell county, and to make them a corporate body.

On the motion of Mr. Haason—9. A bill to authorise the erection of a new jail in the county of Clarke, and for other purposes.

On the motion of Mr. Irvine—10. A bill to authorise the recording of deeds, unrecorded in the Clerk's office of the Calloway county court, at the death of the late Clerk.

On the motion of Mr. Riffe—11. A bill to improve the state road from Liberty, in Casey county, to Columbia, Adair county, and for other purposes.

On the motion of Mr. Hinton—12. A bill to improve the state road leading from Owenborough on the Ohio river to Hartford.

On the motion of Mr. Marshall—13. A bill authorising the building of an arsenal for the security and preservation of the public arms.

14. A bill to provide for the collecting and preserving the public arms.

15. A bill further to regulate the taxing of costs in certain cases, and to dispense with a prosecutor in prosecutions for trespass.

16. A bill to explain the law of set-off.

On the motion of Mr. Tompkins—17. A bill to incorporate the Orphan Society at Lexington.

On the motion of Mr. May—18. A bill for the benefit of Henry Weddington.

On the motion of Mr. Anderson (of Green)—19. A bill making an appropriation for the improvement of Green river.

On the motion of Mr. Wortham—20. A bill for the benefit of Willis Green, and for other purposes.

On the motion of Mr. Jonas—21. A bill to establish and open a state road from Leesburg in Harrison county, by way of Lewis Kendall's to intersect the Georgetown and Cincinnati Turnpike road.

On the motion of Mr. Calvert—22. A bill to establish a state road from the Iron banks on the Mississippi river to the state line in a direction to Paris, Tennessee, and appoint reviewers for the same.

On the motion of Mr. Trimble—23. A bill for the benefit of the heirs of John Smith, deceased.

24. A bill to amend the law concerning proceedings in civil cases.

25. A bill giving further time to Sheriffs in this Commonwealth to file their delinquent lists.

By Mr. Nuttall—26. A bill to repeal an act entitled an act to change the mode of publishing the decisions of the Court of Appeals, and for other purposes.

On the motion of Mr. Mitchell (of Jessamine)—27. A bill to charter a company to construct a Turnpike road from Nicholasville to Lexington.

On the motion of Mr. D. White—28. A bill for the benefit of Jesse Walker, and for other purposes.

On the motion of Mr. Henderson—29. A bill to amend the militia law.

On the motion of Mr. Johnson (of Livingston)—30. A bill to improve certain roads in Livingston and Caldwell counties.

On the motion of Mr. Morehead—31. A bill for the benefit of Edward H. Earle.

32. A bill for the benefit of the heirs of Thomas Browder, deceased.

On the motion of Mr. Wigginton—33. A bill to improve the public highways, and for other purposes.

On the motion of Mr. Ward—34. A bill to regulate the time of holding the Circuit and county courts of Lawrence, Morgan, Floyd and Pike counties.

On the motion of Mr. Byers—35. A bill to prevent the sale of ardent spirits to slaves, and for other purposes.

On the motion of Mr. Barlow—36. A bill for the benefit of Sampson Trammell.

On the motion of Mr. Shackelford—37. A bill concerning the liabilities and duties of executors, administrators and guardians.

On the motion of Mr. J. Davis—38. A bill to amend the law concerning alimony.

On the motion of Mr. Gatewood—39. A bill to amend the law in relation to allowing compensation to persons for the use of wagons and teams, ploughs, &c. in the improvement of the public roads.

On the motion of Mr. Coffman—40. A bill for the benefit of Jacob Hargrave.

On the motion of Mr. J. S. Morgan—41. A bill to incorporate a company to turnpike the road from Frankfort to the mouth of Big Sandy river, by way of Georgetown, Paris, Millersburg, Clarksburg, Vanceburg and Greenupsburg.

42. A bill for the benefit of the widow and heir of Samuel Hall, deceased.

On the motion of Mr. May—43. A bill to establish a state road from Pikeville in Pike county, to the Virginia state line, at or near the head of Elkhorn.

On the motion of Mr. Brown—44. A bill for the benefit of the heirs of John Jackson, deceased.

On the motion of Mr. S. Williams—45. A bill to appropriate an additional sum of money to improve the navigation of Cumberland river at Smith's shoals, and to improve the navigation of the Big south fork of Cumberland river, from the coal banks to the mouth thereof, and for other purposes.

46. A bill to authorise the County court of Wayne to sell a small piece of public ground, and for other purposes.

The committee for courts of justice was directed to prepare and bring in the first, fourth, fifteenth, sixteenth, twenty-fourth, thirty-second; the committee of internal improvement the second, sixth, nineteenth, twenty-seventh and thirty-third; Messrs. Pope, L. Anderson and Helm the third; Messrs. Stone, Daviss (of Bourbon) and J. S. Morgan the fifth; Messrs. Phelps, Jonas and L. Anderson the seventh; Messrs. McGoodwin, Todd and Crockett the eighth; Messrs. Hanson, Ryan and Cunningham the ninth; Messrs. Irvine, Jonas and S. Williams the tenth; Messrs. Riffe, Montgomery, Colyer, Seaton and Cheek the eleventh; Messrs. Hinton, Helm, Sterett and Crow the twelfth; the committee on military affairs the thirteenth, fourteenth and twenty-ninth; Messrs. Tompkins, Anderson (of Green) Crockett, Todd and Heddleston the seventeenth; the committee of claims the eighteenth; Messrs. Wortham, J. L. Helm, Culley, Sterett, Coffman and Underwood the twentieth; Messrs. Jonas, Trimble and Perrin the twenty-first; Messrs. Calvert, Crow and Irvine the twenty-second; Messrs. Trimble J. S. Morgan, Davis (of Bourbon) and Perrin the twenty-third; the committee of ways and means the twenty-fifth; Messrs. Nuttall, Marshall and Wickliffe the twenty-sixth; Messrs. D. White, Sneed and Jonas the twenty-eighth; Messrs. Johnson

(of Livingston) McGoodwin and Crockett the thirtieth; the committee of propositions and grievances the thirty-first; Messrs. Ward, May and Stone the thirty-fourth; Messrs. Byers, Davis (of Bourbon) and Parker the thirty-fifth; Messrs. Barlow, Paris and Anderson (of Green) the thirty-sixth; Messrs. Shackelford, G. Davis, J. S. Morgan and Crockett the thirty-seventh; Messrs. J. Davis, Stone, Gatewood, Hanson and Shackelford the thirty-eighth; Messrs. Gatewood, Shackelford, J. Davis and Crockett the thirtieth; Messrs. Coffman, Crow, Bradley and Johnson (of Livingston) the fortieth; Messrs. J. S. Morgan, Marshall, Stevenson, Heddleston, Henderson, Stockton, Seaton, Cunningham, Johnson (of Scott,) G. Davis and J. S. Morgan the forty-first; Messrs. J. S. Morgan, G. Davis, Stockton and Trimble the forty-second; Messrs. May, Ward and Anderson (of Green) the forty-third; Messrs. Brown, Knot and Wickliffe the forty-fourth; Messrs. S. Williams, Cheek, McClure, Jasper, D. White and Colyer the forty-fifth; and Messrs. S. Williams, Cheek and McClure the forty-sixth.

Mr. Colyer presented the petition of sundry citizens of Knox county, praying to be added to the county of Laurel.

Which was received, read and referred to the committee of propositions and grievances.

Mr. Ward moved for leave to bring in a bill to repeal the law prohibiting deputy sheriffs from exercising the office of constable;

And the question being taken on granting leave to bring in said bill, it was decided in the negative.

And so the said motion was disagreed to.

The following bills were severally read a second time.

1. A bill to authorise a subscription of stock on the part of the state, to the Louisville and Bardstown Turnpike road company.

2. A bill to incorporate the Richmond and Lexington Turnpike road company.

3. A bill to authorise the taking of depositions in a summary way, to perpetuate testimony.

The first and second were committed to the committee of internal improvement; and the third (being amended at the Clerk's table) was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the third bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Hanson then moved to take from the orders of the day, for immediate consideration, "A bill to erect and establish a new county out of the county of Washington, and for other purposes."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brown and Knot, were as follows, viz.

YEAS—Messrs. Allen, A. Anderson, Barbour, Barlow, Bradley, Calvert, Cheek, Coffman, Colyer, Culley, Culp, Cunningham, J. Davis, Duff, English, Gardner, Gatewood, Hanson, Harrison, J. L. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, Marshall, J. W. S. Mitchell, Montgomery, J. S. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Trimble, Vanmetre, Ward, Watkins, J. P. White, T. J. White, J. W. Williams, and S. Williams—57.

NAYS—Messrs. L. Anderson, Brown, Byers, Clarke, Cochran, Crockett, Cruse, G. Davis, Dillon, Garnett, Heddleston, Hinton, McGoodwin, May, Merrifield, R. Mitchell, Morehead, D. Morris, G. Morris, Murrell, Parker, Riffe, Tompkins, Underwood, D. White, Wickliffe, Wigginton, and Wortham—28.

The said bill was then taken up and read a second time, and recommitted to the committee of propositions and grievances.

An engrossed bill entitled "An act to prevent the sale of growing crops," was read a third time; and amended by an engrossed clause by way of ryder.

Mr. Phelps then moved further to amend said bill by adding thereto, the following engrossed clause by way of ryder, viz:

And provided further, That so much of said growing crops as may be sufficient to supply the family of the defendant in said execution with bread-stuff, and to sustain one cow, and one horse or work beast, shall be exempt from execution; and for the purpose of ascertaining what part of said crop shall be sufficient for the purpose aforesaid, it shall be the duty for the officer levying said execution, to appoint commissioners in the same way that commissioners are appointed to value real estate levied upon by execution.

Which being read, the Speaker declared the same to be out of order, as inconsistent with the provisions of the bill, from which decision of the Speaker, Mr. Phelps appealed to the house.

And the question being put—Is the decision of the chair correct? It was decided in the affirmative.

A further engrossed clause by way of ryder, having been offered by Mr. Crockett and rejected.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

And then the House adjourned.

SATURDAY, JANUARY 11, 1834.

The Speaker laid before the House the following letter from Jacob Lewis of the city of Louisville, viz:

Permit me through you to present to the House of Representatives a piece of Queensware manufactured in the city of Louisville, and also to request the members of your honorable body to inspect a lot of the same ware now ready to be exhibited at the Capitol. I do this, Sir, to inform the Representatives of the people of Kentucky, that they have, within the borders of the state, the materials for manufacturing an article for which we have hitherto been dependant upon foreign countries.

Respectfully,

JACOB LEWIS.

Frankfort, January 11th, 1834.

Which was received and read.

Mr. S. Williams thereupon moved the following resolution:

Resolved, That the House of Representatives accept the pitcher tendered by Jacob Lewis of the city of Louisville as a present, and that the members of this house are highly gratified that the citizens of our state have arrived at such perfection in domestic manufactory, and that we most earnestly hope that the national and state governments will encourage and protect domestic manufactory as one of the main pillars in our republican institutions.

Which being twice read, was adopted.

Mr. John M. Austin, a member returned to serve in this house from the counties of Butler and Edmonson, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution of the United States, and the constitution and laws of this state, and took his seat.

The Speaker laid before the house the annual report of the board of internal improvement for the county of Franklin, which is in the following words:

To the Hon. the General Assembly of the Commonwealth of Kentucky.

The undersigned chairman of the board of internal improvement for Franklin county, in obedience to an order of the board, begs leave to report to your honourable body, that under an act of the last session, stock was subscribed to an amount equal to that required by said act, and contracts made for the construction of the road from Hardinsville, to within about two and a half miles of Frankfort, which the undersigned is gratified to state, is in great forwardness, and will, in all probability be completed by the first day of June next. It is confidently asserted, that, but for the general prevalence of the cholera during the past summer, the road would have been completed by the first day of December last.

The average cost of the construction of the road, including two substantial and permanent covered bridges, twelve culverts and three walls, amounts to about \$13 66 per rod, the exact amount not being yet accurately ascertained, as the culverts are paid for by the perch, but it is believed that it cannot exceed the amount stated. It may be remarked also, that the above calculation includes the sum of \$590 paid for damages, the amount actually assessed, having been \$890, three hundred dollars of which was paid by individuals interested in the present location of the road, excluding bridges, culverts, damages, &c., the cost of *turnpiking* will amount to \$12 42 per rod, or \$3974 40 per mile.

The whole amount paid and to be paid under existing contracts will be about \$26,920, leaving on hand \$1540 of the State's money, and the same amount of individual stockholders. It is estimated that it will require \$10,000 or thereabouts, in addition to the above sum of \$3080 to complete the balance of the road including the descent of the hill into South Frankfort. If your honorable body will authorise the further subscription of \$5000, the road it is believed can be completed by the first day of next October, into Frankfort.

All which is respectfully submitted.

J. DUDLEY, C. B.

January 10th, 1834.

Ordered, That the said report be referred to the committee of internal improvement.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz:

An act amendatory to an act concerning the public library and to appoint a librarian.

An act to authorise the insertion of certain advertisements in certain newspapers.

An act altering the time for holding the Fayette and Scott Circuit Courts.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to a bill which originated in this house, entitled,

An act to allowing additional justices of the peace and constables to certain counties.

The passage of bills which originated in this house of the following titles:

An act to authorise the election of trustees for the town of Monticello.

An act to allow additional terms to the Jessamine county courts.

An act to provide for the annual appointment of commission-

ers to take in lists of taxable property and for the annual valuation thereof.

With amendments to the latter bill.

And the passage of bills of the following titles:

An act to allow additional constables to Logan, Hardin, Meade and Washington counties.

An act to amend the charter of the city of Louisville.

Mr. Phelps from the committee of propositions and grievances to whom was referred a bill to erect and establish a new county out of a part of the county of Washington and for other purposes; reported the same with an amendment,

Which being twice read, was concurred in, and the said bill being further amended, was as amended, ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill being dispensed with, and the same being engrossed.

Resolved, That the said bill do pass and that the title thereof be amended to read "An act to establish the county of Marion."

The yeas and nays being required on the passage of said bill by Messrs. Brown and Knot, were as follows, viz:

YEAS—MR. SPEAKER, MESSRS. Allen, Alsop, A. Anderson, Barbour, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Coffman, Colyer, Crow, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, English, Gardner, Garnett, Gatewood, Hanson, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, Marshall, J. W. S. Mitchell, Montgomery, Morehead, J. S. Morgan, Murrell, Nuttall, Paris, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Vanmetre, Ward, Watkins, Wigginton, J. W. Williams, S. Williams, and Wilson—70.

NAYS—Messrs. L. Anderson, Austin, Brown, Crockett, Harrison, Hinton, Knot, McGoodwin, Merrifield, R. Mitchell, D. Morris, G. Morris, Parker, Riffe, Underwood, D. White, Wickliffe, and Wortham—18.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same.

From the committee of propositions and grievances—1. A bill for the benefit of Joseph Dawson.

2. A bill to add a part of the county of Knox to the county of Laurel.

By the committee of claims—3. A bill for the benefit of Henry Weddington.

By the committee of ways and means—4. A bill to increase the revenue.

By the committee of religion—5. A bill for the benefit of Bennett B. Jones.

6. A bill for the benefit of Mark Philips.

7. A bill for the benefit of Margaret Gorman.

8. A bill for the benefit of Elizabeth Chapman.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bills, (the first excepted) the second, third, fifth, sixth, seventh and eighth bills were ordered to be engrossed and read a third time; and the fourth was recommitted to the committee of ways and means.

And thereupon the rule of the house, constitutional provision and third readings of the second, third, fifth, sixth, seventh and eighth bills having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The following engrossed bills were severally read a third time.

1. An act to amend an act entitled an act for incorporating the Hartford bridge company, approved December 5, 1833.

2. An act to improve and open the road from the Rocky Spring in Harrison county, by the way of Colemansville to Williamstown, in Grant county.

Resolved, That the said bills do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage on the second bill by Messrs. Allen and Jonas, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Barbour, Brown, Byers, Colyer, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Garnett, Gatewood, Hanson, Harrison, Heddleston, J. L. Helm, Hinton, Hunton, Irvine, Johnson of Livingston, Jonas, Jones, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Vanmetre, Ward, D. White, Wickliffe, Wigginton, S. Williams, Wilson and Wortham—61.

NAYS—Messrs. Allen, Austin, Barlow, Bradley, Calvert, Cheek, Clarke, Cruse, English, Gardner, Haskin, Jasper, Knot, McClure, R. Mitchell, Montgomery, Morehead, Murrell, Nuttall, Paris, Underwood J. P. White and J. W. Williams,—23.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

An engrossed bill entitled an act to provide for the improvement of the road from Frankfort to Crab Orchard, Lincoln county, was read a third time.

Mr. Crow then moved to amend the same by adding thereto the following engrossed clause by way of rider, viz:

Be it further enacted, That the said boards of internal improvements respectively, shall declare and pay over to the treasurer of the Commonwealth annually, a dividend of at least five per centum per annum upon each share of stock owned by the state, and actually expended.

And the question being taken on the adoption thereof, as a rider to the bill it was decided in the negative.

YEAS—Messrs. Allen, A. Anderson, Austin, Barlow, Bradley, Brown, Calvert, Cheek, Clarke, Coffman, Crow, Cruse, Culp, Dillon, English, Gardner, Garnett, Haskin, Henderson, Irvine, Jasper, Johnson of Livingston, Knot, Montgomery, Morehead, Nuttall, Paris, Perrin, Pope, Riffe, Sterett, Stone, Underwood, J. P. White, J. W. Williams, and Wortham—36.

NAYS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Barbour, Byres, Colyer, Crockett, Culley, Cunningham, G. Davis, J. Davis, Duff, Gatewood, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Hunton, Hinton, Jones, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Phelps, Ryon, Sayers, Seaton, Shackelford, Sneed, Stevenson, Stockton, Tompkins, Trimble, Vanmetre, Ward, D. White, Wickliffe, Wigginton, S. Williams, and Wilson—50.

The question was then taken on the passage of said bill, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Hunton, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Barbour, Byers, Colyer, Crockett, Culp, Cunningham, G. Davis, Harrison, Haskin, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Jones, Marshall, May, Merrifield, J. W. S. Mitchell, J. S. Morgan, D. Morris, Murrell, Parker, Phelps, Pope, Riffe, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Tompkins, Vanmetre, Ward, D. White, Wickliffe, Wigginton, S. Williams and Wilson—44.

NAYS—Messrs. Allen, A. Anderson, Austin, Barlow, Bradley, Brown, Calvert, Cheek, Clarke, Coffman, Crow, Cruse, Culley, J. Davis, Dillon, Duff, English, Gardner, Garnett, Gatewood, Hanson, Heddleston, Henderson, Irvine, Jasper, Johnson of Livingston, Knot, McGoodwin, R. Mitchell, Montgomery, Morehead,

G. Morris, Nuttall, Paris, Perrin, Ryon, Stone, Trimble, Underwood, J. P. White, J. W. Williams, and Wortham—42.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

And then the house adjourned.

MONDAY, JANUARY 13, 1834.

1. Mr. English presented the petition of sundry citizens of Gallatin county, praying for the establishment of an additional election precinct in said county.

2. Mr. Colyer presented the petition of John Fletcher, late gate-keeper of the Wilderness turnpike road, praying the passage of a law to authorise the present gate-keeper to pay over to him a sum of money due him as part of his salary, but withheld on account of some uncurrent and spurious bank notes received by him for tolls, for which they hold him responsible.

3. Mr. Morehead, presented the petition of sundry citizens of Todd county, praying a repeal of an act of the Legislature, authorising the sale of a lot of ground near the town of Trenton, which was deeded to the Cumberland Presbyterian church, and the trustees of Lebanon Academy.

4. Mr. Wortham presented the petition of sundry citizens of the counties of Grayson, Hart and Hardin, praying the formation of a new county out of part of each of said counties; and the petition of sundry citizens of Grayson county, counter thereto.

5. Also the petition of Margaret Henderson, praying a divorce from her husband, Thomas Henderson.

6. Mr. Jonas presented the petition of sundry citizens of Pendleton county, praying that a part of said county may be added to the county of Grant.

7. Mr. Davis (of Bourbon) presented the petition of James I. Miles, praying that a law may pass to authorise the payment to him of a sum of money, which was paid by him by mistake in a settlement of accounts into the treasury on account of the Penitentiary institution.

8. Mr. Haskin presented the memorial of Anthony Hunn, Sen. M. D., representing that he has discovered a cure for the Asiatic Spasmodic Cholera; for medicines used for the treatment of which disease, he has obtained letters patent for the United States; and tendering the benefit of his discovery, and patent to the Commonwealth for a reasonable remuneration.

Which petitions were severally received, read and referred; the first to a select committee of Messrs. English, Nuttall and Dillon; the second and seventh to the committee of claims; the third to

a select committee of Messrs. Morehead, J. W. Williams and Todd; the fourth and sixth to the committee of propositions and grievances; the fifth to the committee of religion; and the eighth to a select committee of Messrs. J. Morgan, Hunton and White (of Anderson.)

A message was received from the Senate, announcing their disagreement to a bill, which originated in this house, entitled,

An act to change the name of Wesley Blake.

The passage of bills which originated in this house of the following titles:

An act to regulate the fines and forfeitures of Nicholas county.

An act to extend the boundary of the Maysville election precinct in the county of Mason.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz:

An act for the benefit of Frances Kircheval.

An act to direct the sale of a lot of ground and meeting house in Bath county, called New Salem.

An act to organise a fire company in the town of Frankfort.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

On the motion of Mr. Trimble—

It is ordered that the journal of this House be so corrected as to state that Mr. Perrin of Harrison county introduced, on the 6th inst., "A bill to improve and open the road from the Rocky spring in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

Mr. Phelps from the committee of propositions and grievances made the following report:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the county of Oldham, praying that the seat of justice for said county be removed from the town of Westport to Lagrange in said county; or that a law may be passed authorising the qualified voters of said county to locate their seat of justice by a vote; and have come to the following resolution thereon,

Resolved, That so much of the petition, as prays that a law may pass to authorise a majority of the qualified voters of said county to locate their county seat by a vote is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

The amendments proposed by the Senate to a bill which originated in this house, entitled,

An act to provide for the appointment of commissioners to

take in lists of taxable property and for the annual valuation thereof;"

Were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Wickliffe from the committee for courts of justice—1. A bill to change the venue in the case of George Lansdown.

By Mr. Marshall—2. A bill to establish the state bank of Kentucky.

Which bills were severally received and read the first time and ordered to be read a second time:

And thereupon the rule of the house, constitutional provision and second reading of said bills having been dispensed with; the first was ordered to be engrossed and read a third time; and the second was committed to a committee of the whole house for the 23rd inst.

And thereupon the rule of the house, constitutional provision and third reading of the former bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Ordered, That the Public Printer forthwith print 150 copies of the second bill for the use of the members of this house.

The orders of the day having been called for and taken up:

Mr. Phelps moved to take therefrom, *out of its order*, for the immediate consideration of the house, "A bill to take the sense of the good people of this Commonwealth as to the propriety of calling a Convention."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Shackelford and Phelps were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Calvert, Clarke, Coffman, Crockett, Culley, Culp, J. Davis, English, Gardner, Gannett, Gatewood, Harrison, Haskin, Henderson, Jasper, Johnson of Scott, Jonas, Jones, McGoodwin, May, Montgomery, Morehead, J. S. Morgan, Nuttall, Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White, Wickliffe, J. W. Williams, and S. Williams—39.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Byers, Cheek, Cruse, Cunningham, G. Davis, Duff, Hanson, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Knot, McClure, Marshall, Merrifield, J. W. S. Mitchell, R. Mitchell, D. Morris, G. Morris, Parker, Pope, Riffe, Ryon, Seaton, Shack-

leford, Sneed, Sterett, Stockton, Tompkins, Vanmetre, Watkins, D. White, Wigginton, Wilson and Wortham—41.

Ordered, That an engrossed bill entitled an act to improve the road leading from Frankfort, through Winchester, Mountsterling and Owingsville, to the mouth of Big Sandy river,

An engrossed bill entitled an act to improve the navigation of Big Sandy river,

An engrossed bill entitled an act for the benefit of Augusta College,

An act to improve the navigation of Trade water river—be laid on the table.

Ordered, That an engrossed bill entitled an act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown to Lexington, in Fayette county—be recommitted to the committee of internal improvements.

And then the House adjourned.

TUESDAY, JANUARY 14, 1834.

The Speaker laid before the House a letter from Thomas S. Page, enclosing a report from the Louisville Bank, made in pursuance of the act incorporating said institution.

(See Appendix—G.)

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of this House.

1. Mr. Hanson presented the petition of William Mayo, representing that in the year 1781 he made an entry for a tract of land on Treasury warrants, lying west of the Tennessee river; that the surveys were not executed until the Indian title thereto was extinguished in the year 1818, owing to the Indian disturbances, and, subsequently, to a prohibition from the state of Virginia to make such surveys; that since the year 1818, a survey has been made of the land, of which he has ever since had peaceable and continued possession, and that there exists no conflicting claim; and praying the passage of a law to authorise him to perfect his title by causing a grant to issue therefor.

2. Mr. J. W. S. Mitchell presented the petition of sundry citizens of the counties of Mercer, Lincoln, Garrard, Jessamine and Fayette, praying that a law may pass to incorporate a company to construct a Turnpike road from Danville and Lancaster to Lexington.

3. Mr. Dunlap presented the petition of sundry citizens of the city of Lexington, praying an amendment to the charter of said city, so far as the same relates to the Fire Department thereof.

Which petitions were severally received, read and referred; the first and third to the committee for courts of justice; and the second to the committee of internal improvements.

Mr. Phelps from the committee of propositions and grievances made the following report:

The committee of propositions and grievances have, according to order, had under consideration the petitions of sundry citizens of the counties of Hardin, Grayson and Hart, praying that a new county be erected out of parts of said counties; and are of opinion that said petitions be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act to authorise Fleming Jones to build a mill dam across the south fork of little Barren river.

An act for the benefit of the heirs of Samuel Allison, deceased.

An act to amend an act, entitled an act to establish a road from Louisville to the state line in a direction to Knoxville, approved January 22, 1833.

With amendments to the latter bill.

And the passage of bills of the following titles:

An act to amend an act entitled an act enlarging the town of Madisonville in the county of Hopkins, approved January 25, 1833.

An act to amend the act entitled an act to incorporate the Louisville hotel company.

And that the Senate has received official information that the Governor did, on yesterday, approve and sign enrolled bills which originated in the Senate, of the following titles:

An act to authorise the insertion of advertisements in certain newspapers.

An act amendatory to an act concerning the public library and to appoint a librarian.

An act altering the times for holding the Fayette and Scott circuit courts.

On the motion of Mr. Wickliffe:

Ordered, That the committee for courts of justice be discharged from the further consideration of the petitions of L. E. Rochester; James Miller; the heirs of Joseph Marshall, deceased; the petition of the widow and heirs of Stephen E. Jones; Elizabeth Peale; and William P. Shackelford:

And that the latter petition be referred to the committee of claims.

On the motion of Mr. Wickliffe:

Ordered, That said committee be also discharged from preparing and bringing in a bill for the benefit of Thomas Ann Prince;

and also a bill for the benefit of the heirs of Thomas Browder, deceased.

Mr. Wickliffe from the committee for courts of justice to whom was referred,

1. A bill to amend the penal laws.
2. A bill for the benefit of William N. Lane.
3. A bill for the benefit of Richard B. Perkins.

Reported the two former with amendments to each, and the third without amendment.

The two former bills were severally ordered to be engrossed and read a third time.

And the question being taken on reading the third bill a third time, it was decided in the negative, and so the said bill was rejected.

And thereupon the rule of the house, constitutional provision and third reading of the second bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Wickliffe from the same committee reported the following resolution:

The committee for courts of justice, according to the order of the House directing them to enquire into the relations now subsisting between Kentucky and Tennessee, respecting the boundary line between the two states, and particularly that part of the line that separates the county of Simpson from the state of Tennessee, and also instructing them to enquire into the expediency of asserting, by law, jurisdiction of the state of Kentucky over the territory claimed by her, and heretofore recognised as being within her limits, have had the subject under consideration, and report, that so far as relates to the question of boundary between the two states, the legislation of this state now upon the statute books, and the reports of former committees of the house at former sessions, present all the facts which refer, themselves, to that subject, and to which your committee invite the attention of the house.

Your committee have been furnished with a newspaper printed at Nashville, in the state of Tennessee, and which purports to be the paper in which the laws of said state are published by authority: in which paper they find the following joint resolution of the Legislature of said state published.

"A resolution to extend the jurisdiction of the State of Tennessee to Walker's line."

Whereas by compact between the State of Kentucky and Tennessee, Walker's line is established as the true boundary line be-

tween said States, which line was surveyed and ascertained in 1830, by commissioners on the part of said States: And whereas there is a portion of people settled south of Walker's line adjoining the county of Simpson, and attached to the counties of Robertson and Sumner, and between Walker's line and a line commencing on said line on a beech at Drake's creek, running south 62 degrees west to a black jack on the Lexington road, thence northwardly to a certain gum tree standing in Walker's original line, who claim to be citizens of the State of Kentucky, when they are within the ascertained limits of the State of Tennessee, the commissioners having disregarded said offset, and established Walker's line to be a direct west course from said beech to the gum being about six miles and a half long: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the jurisdiction of this State be extended over the said described country up to said Walker's line running a direct course from said beech to said gum, as marked by said commissioners; and all persons living within the limits of the said described country, are citizens of the State of Tennessee, and subject to our laws, and are required to obey and observe the same; and the officers of this State are authorised to execute process in the said described country, and make return as in other cases.

F. W. HULING, *Speaker of the House of Representatives.*

D. BURFORD, *Speaker of the Senate."*

If the said resolution be the act of the Legislature of the state of Tennessee, and your committee cannot but regard it as such, it is, in the opinion of the committee, an attempt on the part of the said state to extend her jurisdiction over and upon a part of the citizens and territory of this state, as recognized and established and agreed upon by the compact between the two states, and the subsequent acts of the Legislatures of said sovereignties.

Your committee, however, deem it inexpedient at this time to recommend to the house any specific legislation upon the subject; but are of opinion that the whole matter be referred to the Governor of this state with a request that he open a correspondence with the Governor of the state of Tennessee upon the subject, and that he report the result to the House of Representatives—And, therefore, they submit the following resolution:

Resolved, That the subject matter contained in this report, together with the laws, resolutions and other documents connected with the question of boundary between Kentucky and Tennessee, be referred to the Governor of this state, for the purpose indicated in the foregoing report.

Which being twice read, was adopted.

Mr. Stevenson from the committee of religion made the following report:

The committee of religion have had under consideration, peti-

tions of Sophia Warriner, Iverson Warriner, Samuel Dunbuck and Madison Miller, praying severally for divorces, and are of opinion they ought to be rejected.

Which being twice read, was concurred in.

Mr. Hanson from the committee of claims to whom was referred a bill to "increase the revenue," reported the same with sundry amendments.

Ordered, That the said bill and amendments be referred to the committee of the whole for Thursday next,

And that the Public Printer forthwith print 150 copies thereof, for the use of the members.

Mr. Anderson from the committee of internal improvements to whom was referred,

A bill to authorise the subscription of stock on the part of the state, in the Louisville and Bardstowu Turnpike road company,

A bill to incorporate the Richmond and Lexington Turnpike road company,

Reported the same amendments to each, which being severally twice read, were concurred in.

Ordered, That the said bills be engrossed and read a third time to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same viz:

By Mr. Phelps from the committee of propositions and grievances—1. A bill to change the bounds and place of voting in an election precinct in Bracken county.

2. A bill to authorise the qualified voters of Oldham county to select either Westport or Lagrange for the permanent seat of justice of said county, and for other purposes.

By the committee of claims—3. A bill for the benefit of James I. Miles.

4. A bill for the benefit of John Fletcher.

By the committee for courts of justice—5. A bill to amend the law authorising the sale of infants estates.

6. A bill for the benefit of the infant heirs of James Speed.

By the committee of religion—7. A bill for the benefit of Margaret Henderson.

8. A bill for the benefit of Somerville Carey.

By Mr. Paris—9. A bill for the benefit of Sampson Trammell.

By Mr. Pope—10. A bill to allow an additional justice of the peace for the county of Bullitt.

By Mr. McGoodwin—11. A bill to appoint trustees to the Union school in Caldwell county, and to make them a corporate body.

By Mr. Cheek—12. A bill to appropriate an additional sum of money to improve Smith Shoals, and to improve the Big south fork of said river, and for other purposes.

By Mr. Crockett—13. A bill for the benefit of Strother J. Hawkins.

By Mr. Irvine—14. A bill for the benefit of the Clerk of the Calloway county court.

By Mr. Riffe—15. A bill to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bills (the second and fourth excepted) having been dispensed with, the first, third, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, fourteenth and fifteenth, were severally ordered to be engrossed and read a third time; the twelfth was committed to the committee of internal improvements; and the thirteenth to the committee of claims.

And thereupon the rule of the house, constitutional provision and third reading of the first, third, sixth, seventh, eighth, ninth, tenth, eleventh and fourteenth having been dispensed with and the same being engrossed.

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

And then the house adjourned.

WEDNESDAY, JANUARY 15, 1834.

1. Mr. Jonas presented the petition of Charles Daniel, praying a repeal of an act passed in the year 1830, concerning the Georgetown and Cincinnati Turnpike road.

2. Mr. Tompkins presented the petition of sundry citizens of Fayette county, praying that the February term of said court may be restored.

3. Mr. Davis (of Bourbon) presented the petition of the heirs and legal representatives of Robert Griffith, deceased, (some of whom are infants,) praying the passage of a law to authorise the sale of a lot of ground in Leesburg, Harrison county.

4. Also the petition of Eli Current, James Howard and O. B. Gridley, representing that they intermarried with the three daughters and only children of John Blackburn, who is now and has been for some years *hopelessly* a Lunatic; and praying that a law may pass to authorise the sale of a tract of land belonging to the said John Blackburn.

Which petitions were severally received, read and referred to the committee for courts of justice.

Mr. Marshall moved the following resolution:

Whereas, it appears, that sheet No. 1, of the experimental line of levels of the Kentucky river, levelled and drawn by Lieut. Turnbull in the year 1828, being the profile of the 93 6-8 miles of the survey of the river aforesaid, from its mouth to station No. 242, near Clear Creek ripple, has been abducted from the public archives and cannot be found—therefore,

Resolved, That the Secretary of State be instructed to address a letter to the Secretary of War, for the United States, requesting him to cause a copy of the profile above described and designated, to be made out and forwarded to the department of State for Kentucky, for the use and information of this Commonwealth.

Which being twice read, was adopted.

Mr. Wickliffe moved the following preamble and resolutions:

The patriots and statesmen of the revolution, in order to perpetuate the principles of civil liberty, transmitted to us the Constitution of the United States, by which the powers of the Government have been divided into three departments,—the legislative, executive and judicial: to each of which has been assigned its appropriate powers, separate and distinct. Among those confined to the legislative department, is the power of collecting, managing, controlling and providing for the safe keeping of the revenue of the United States. Over this subject the founders of the Constitution have sedulously guarded against all executive control. They too well understood the principles of liberty, to confide the sword and the purse to the discretion of one man.—To the people and to their immediate representatives, as the only safe depository, they left the purse; convinced the sword, without its aid, was powerless when wielded against civil liberty. The attempt to break down the safeguards of the Constitution, and to unite in the same hands the sword and the purse, has been made by the present Chief Magistrate of the United States, for the first time since the adoption of the Federal Constitution. It therefore becomes the duty of every citizen, and especially of those who have been selected as their immediate representatives, to enter their solemn protest against all attempts to obliterate the landmarks of the Constitution in its divisions of power. It is no palliation of a deed of usurpation, to tell freemen that it has been done “to preserve their liberties, to protect the purity of the elective franchise, the freedom of the press, and the morals of the people,” from the supposed contaminating influences of a monied corporation. The man who has usurped power, never avows, for his object, a base or ignoble purpose. He clothes the deed, often, with the appearance of meekness; always with the profession of a tender regard for the liberties of the people. We should

look rather to the acts of a usurper than his professions; to the consequences of those acts, as they affect the liberties of our free institutions, rather than the motives avowed for their commission.

Whether well or ill designed, if they tend ultimately to the concentration of all power in the hands of one man, liberty is in danger, and patriotism calls for the indignant expression of every American, and urges him to the rescue of his Constitution. Therefore,

Resolved by the House of Representatives, That the President of the United States, by withdrawing the public money from the place of safe deposit, where it had been made by law, and placing of it in local banks under his control, of the solvency of which the people at large know nothing, and into whose affairs their representatives have no right to examine, has violated the Constitution and laws of the United States; that he has "assumed a responsibility" dangerous to liberty, and which tends to the concentration of all power in the hands of the Chief Magistrate of the United States.

Resolved, That by the frequent exercise of the veto power, by the President of the United States, and that still more arbitrary and dangerous one, of withholding bills passed by both Houses of Congress, thereby preventing the opportunity of a re-consideration by that body, in the mode prescribed in the Constitution, the President has, to a great extent, crippled and paralyzed the legislative department of our Government, and in some instances has deprived Congress of their essential constitutional rights.

Resolved, That the Clerk of this House transmit to each of our Senators and Representatives in Congress, copies of the foregoing resolutions.

Ordered, That the said preamble and resolutions be made the order of the day for Tuesday the 21st inst.

And that the Public Printer forthwith print 150 copies thereof, for the use of the members of this House.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act repealing the fourth section of an act entitled an act to change the time of holding certain Courts in the 7th Judicial District, approved January 25, 1827.

An act providing for the appointment of an additional constable in the county of Adair.

An act for the benefit of Samuel Woodson, Clerk of Hopkins county.

An act to incorporate the Galt house company.

An act to alter the time of holding Courts of claims.

Their disagreement to bills which originated in this House of the following titles:

An act to divorce Patrick W. Carson.

An act for the benefit of Mary Peters.

An act for the benefit of John Jones.

An act for the benefit of the heirs of James Y. Kelley, deceased.

An act for the benefit of the widow and heirs of James Malory, deceased.

And the passage of bills which originated in this house of the following titles:

An act for the benefit of Robert Sanders.

An act for the benefit of Alfred Bowren.

An act allowing William McHargue of Laurel county, to erect a gate across the road leading from the Salt works, to Whitley county, and for other purposes.

An act for the benefit of Colemansville—with amendments to the two latter bills.

Mr. Stevenson from the committee of religion made the following report:

The committee of religion have had under consideration the petition of Jenetat Hill, Osborn Bland, and Moses Hill, praying severally for divorces, and are of opinion said petitions be rejected.

Which being twice read, was concurred in.

Mr. Combs from the committee of internal improvements, to whom was referred—

A bill to appropriate certain vacant land to the improvement of the public roads in the counties of Monroe, Allen and Cumberland,

Reported the same with an amendment, which being twice read, was concurred in.

And the said bill as amended, was ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

On the motion of Mr. Combs—

Ordered, That the committee of internal improvements be discharged from the duty of preparing and bringing in a bill to appoint engineers to view and report the utility of opening Rockcastle river.

Mr. Johnson from the committee on military affairs made the following report:

The committee on military affairs have had under consideration the petition of the officers of the 39th Regiment Kentucky Militia, and remonstrance of the officers of 97th Regiment and have come to the following resolution:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Wickliffe moved the following resolution:

Resolved, That the following be adopted as a rule of the House:

No bill shall be amended by way of engrossed ryder at the third and last reading of any bill or joint resolution, unless by the unanimous consent of all the members present.

Which being twice read, was laid on the table.

Mr. Helm (of Hardin,) from the majority on the vote by which an engrossed bill entitled, an act to provide for the improvement of the road from Franklin county, to Crab Orchard, in Lincoln county, was passed, moved a reconsideration of said vote:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required on reconsidering said vote, by Messrs. Nuttall and T. J. Helm, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Allen, A. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Calvert, Cheek, Clarke, Cochran, Coffman, Crockett, Crow, Cruse, Culley, Culp, J. Davis, Dillon, Duff, English, Gardner, Garnett, Gatewood, Grundy, Hanson, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Johnson of Scott, Knot, May, Merrifield, Montgomery, Morehead, J. S. Morgan, G. Morris, Murrell, Nuttall, Paris, Perrin, Ryon, Shackelford, Stevenson, Stockton, Stone, Trimble, Underwood, Ward, Watkins, A. S. White, J. P. White, J. W. Williams, and Wortham—58.

NAYS—Messrs. Alsop, L. Anderson, Byers, Colyer, Combs, Cunningham, G. Davis, Dunlap, Harrison, Haskin, Hunton, Jasper, Jonas, Jones, McClure, McGoodwin, Marshall, J. W. S. Mitchell, R. Mitchell, Jas. Morgan, D. Morris, Parker, Phelps, Pope, Riffe, Sayers, Seaton, Slaughter, Sneed, Sterett, Todd, Tompkins, D. White, T. J. White, Wickliffe, Wigginton, S. Williams, and Wilson—38.

An engrossed ryder having been moved to said bill and adopted.

Ordered, That the said bill be committed to a committee of the whole house for the 22nd inst.

The following bills were reported from the several committees appointed to prepare and bring in the same viz:

By Mr. Stevenson from the committee of religion—1. A bill for the benefit of Catharine Gould.

By Mr. J. W. S. Mitchell—2. A bill requiring Physicians to take out license to practice medicine.

Which bills were severally received and read the first time.

And the question being taken on the reading the said bills a second time, it was decided in the negative, and so the said bills were rejected.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill for the benefit of Edward H. Earle.

By the committee of internal improvements—2. A bill to improve the road leading from London, to the Tennessee state line.

By the committee on military affairs—3. A bill authorising the building of an arsenal for the security and preservation of the public arms.

By Mr. Hanson—4. A bill to authorise the erection of a new jail in Clarke county, and for other purposes.

By Mr. Hinton—5. A bill to appropriate \$400 to aid in improving the state road leading from Owenborough to Bowlinggreen.

By Mr. Phelps—6. A bill to amend the several laws establishing and regulating towns in this Commonwealth.

By Mr. Tompkins—7. A bill to incorporate the Orphan Society of Lexington.

By Mr. May—8. A bill to abolish certain election precincts in the county of Pike, and for other purposes.

By Mr. English—9. A bill to establish an election precinct in the town of Ghent, in Gallatin county.

By Mr. Trimble—10. A bill for the benefit of the heirs and devisees of John Smith, deceased.

11. A bill for the benefit of the heirs of George Bartlett, deceased.

By Mr. Culley—12. A bill for the benefit of Isaiah Miller.

By Mr. Morehead—13. A bill to repeal an act entitled an act to authorise the sale of Lebanon meeting house, in the county of Todd, approved December 15th, 1832.

By Mr. Ward—14. A bill to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

By Mr. Shackelford—15. A bill concerning the liabilities and duties of executors, administrators and guardians.

By Mr. Davis (of Montgomery)—16. A bill to amend the law, concerning alimony.

By Mr. J. L. Helm—17. A bill incorporating the Mount Pleasant United Baptist Church society, in the town of Brandenburg.

18. A bill concerning the county of Meade.

By Mr. Morgan (of Nicholas)—19. A bill to incorporate a company to turnpike the road from Frankfort, to the mouth of Big Sandy river, by the way of Georgetown, Paris, Carlisle, Flemingsburg, Clarksburg and Greenupsburg.

20. A bill for the benefit of the devisees of Samuel Hall, deceased.

By Mr. S. Williams—21. A bill to authorise the County court of Wayne to sell a small piece of public ground, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second reading of said bills (the first, eighteenth and twentieth excepted,) having been dispensed with; the second, fifth, fourteenth and nineteenth were committed to the committee of internal improvements; the third, fourth, seventh, eighth, ninth, tenth, twelfth, thirteenth, seventeenth and twenty-first were severally ordered to be engrossed and read a third time; and the sixth, eleventh, fifteenth and sixteenth were committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision and third reading of the third, fourth, seventh, eighth, tenth, twelfth, thirteenth, seventeenth and twenty-first bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on this day, sign and approve enrolled bills which originated in the House of Representatives, of the following titles:

An act for the benefit of Frances Kircheval.

An act to direct the sale of a lot of ground and meeting house in Bath county, called New Salem.

An act to organise a fire company in the town of Frankfort.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Davis (of Bourbon) read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this State be instructed, and the Representatives be requested, to introduce the following propositions, as amendments to the Constitution of the United States, to be proposed by Congress to the Legislatures of the several States:

1st. The President of the United States shall be elected for the term of six years; and after the expiration of his term of service, shall be forever ineligible to that office. And whenever the office of President shall become vacant, from any cause whatever, the Vice-President, or other person filling the office for the remainder of the term, shall also forever be ineligible to the office of President.

2nd. When a bill shall have passed both houses of Congress, it shall, before becoming a law, be presented to the President of

the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated; where said objections shall be entered at large in its journal, and the said bill shall be reconsidered. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall be reconsidered; and if approved by two thirds of that House, it shall become a law. But if, after said bill shall have been so returned by the President, it shall pass by a less majority than two thirds of either House, said bill shall then be laid on the table; and within twenty days next after the commencement of the first session of the ensuing Congress, shall be called up in both Houses, and if passed by a majority of all the members elect of both Houses, it shall become a law.

3rd. The President of the United States shall not remove any officer, in whose appointment the concurrence of the Senate shall be necessary; but, for sufficient cause, he may suspend any such officer from the exercise of the duties of his office; but he shall, within the first ten days after the commencement of the next session of the Senate, lay before that body the cause of such suspension. The cause of such suspension shall be then considered by the Senate; and if it shall be deemed sufficient, the officer so suspended, shall be adjudged to be removed from his office: but if the Senate shall consider the same insufficient, the suspension of the said officer shall immediately cease, and he be restored to all the rights and privileges of his office.

Ordered, That the Public Printer forthwith print 150 copies thereof, for the use of the members of this house.

Mr. Culp moved the following resolution:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of making it a penal offence for any person or persons to sell, or in any way convey land or lands for which he or they may have no title, and that said committee report by bill or otherwise.

Which was twice read; and the question being taken on the adoption thereof, it was decided in the negative, and so the said resolution was disagreed to.

Mr. Garnett moved the following resolution, viz:

Resolved, That the chairman of the committee be requested to furnish this house, as soon as practicable, a statement of the aggregate amount of appropriations which have been already applied for, which are intended for purposes of internal improvement. And that the further or final action of this house on this subject, be suspended until the said statement be received.

Which being twice read; Mr. Combs moved to lay the said resolution on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Garnett and Nuttall, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Brown, Byers, Cochran, Colyer, Combs, Crockett, Crow, Cunningham, G. Davis, Dunlap, Gatewood, Hanson, Harrison, Hinton, Hunton, Johnson of Scott, Jonas, Jones, Marshall, May, R. Mitchell, J. S. Morgan, D. Morris, G. Morris, Parker, Phelps, Pope, Riffe, Sayers, Seaton, Sneed, Stevenson, Stockton, Tompkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wilson—44.

NAYS—Messrs. Allen, A. Anderson, Barbour, Barlow, Bradley, Calvert, Cheek, Clarke, Coffman, Cruse, Culley, Culp, J. Davis, Dillon, Duff, English, Gardner, Garnett, Grundy, Heddleston, J. L. Helm, T. J. Helm, Henderson, Irvine, Jasper, Knot, Mc, Clure, McGoodwin, Montgomery, Morehead, Nuttall, Paris, Perrin, Shackelford, Sterett, Stone, Trimble, Underwood, Ward, Watkins, J. P. White, J. W. Williams, and Wortham—43.

Mr. Riffe moved the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of allowing those debtors to the Commonwealth Bank, who make their debts secure, by good and approved security, further time to make payment, and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Marshall moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of providing a law for the regulation of free negroes in this Commonwealth.

Which being twice read, was adopted.

Mr. Marshall moved the following resolution:

Resolved, That the reports of the Presidents of the Bank of Kentucky and of the Bank of the Commonwealth, communicated to the Speaker, exhibiting the state and condition of said institutions respectively, be referred to a select committee of five, with authority to report thereon by bill or otherwise.

Which being twice read was adopted: and Messrs. Marshall, Hunton, Wickliffe, L. Anderson and S. Williams appointed a committee pursuant thereto.

Mr. Marshall also moved the following resolution:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of so modeling the laws, relative to the power of the County Courts of this Commonwealth, as to exempt slaves from being taxed as tythes, and restraining said courts from levying a poll tax on white tytheables exceeding fifty cents each, and of authorising said County Courts, to assess

an *ad valorem* tax, on the land and negroes in their respective counties, which with the poll tax may be adequate to the completion of their several contracts, and the disbursement of the expenses and charges upon said counties.

Which being twice read, was adopted.

Mr. Anderson (of Green) moved the following resolution, viz:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of so altering the law in relation to settlements with guardians, executors and administrators, as to make it the duty of the County Courts of this Commonwealth, to appoint a board of Commissioners in each county, whose duty it shall be to make all settlements with guardians, &c.

Which being twice read, was adopted.

Mr. Helm (of Hardin) moved the following resolutions, viz:

Resolved, That the House go into committee of the whole upon the state of the Commonwealth, on Wednesday next, with a view to take into consideration the various bills making appropriations for purposes of internal improvements.

Resolved further, That all such bills be referred to the committee of the whole, on that day.

Resolved, That the committee of ways and means be instructed to examine into, and report to this House what available funds the state has now on hand, and what is owing to her, together with what amount has been appropriated by law, and not yet paid out of the Treasury.

Resolved, That a committee of eight be appointed to take into consideration the report of the keeper of the Penitentiary, and examine the report of the Commissioners appointed to settle the accounts of said keeper, and report thereon, and whether the Legislature should not now receive the institution from said keeper.

Which being severally twice read, were adopted: and Messrs. Helm, Jonas, Wigginton, Tompkins, Garnett, Hunton, Morehead and Stevenson appointed a committee pursuant to the last resolution.

Mr. Morris (of Henderson) moved the following resolution, viz:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of so amending the laws regulating administrations, as to distribute the estate of deceased insolvent debtors among their creditors.

Which being twice read, was adopted.

Mr. Allen moved the following resolution, viz:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of passing a law, allowing pay to grand and petit jurors in this Commonwealth, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Barlow read and laid on the table the following joint resolution, viz:

Resolved, By the General Assembly of the Commonwealth of Kentucky, that when they adjourn on Saturday, the 15th day of February, they will adjourn without day.

Mr. Shackelford moved the following resolutions, viz:

Resolved, That the committee to whom is referred the Bank of Kentucky, be instructed to enquire into the expediency of providing by law for the immediate closing and winding up of the affairs of the Bank of Kentucky, by public sale of all its property, real, personal and mixed, and the division of the proceeds thereof amongst the stockholders, allowing to any stockholder who may purchase property at such sale, the right of paying therefor in stock, and that they report by bill or otherwise.

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of an act entitled "an act to amend the law prohibiting the importation of slaves into this state, approved February 2nd, 1833"—as prohibits the importation of slaves into this state, by any person or persons, for his or their own use, and enacting in lieu thereof, that slaves may be imported into this state by any person for his own use, under such restrictions and regulations as may not be inconsistent with the laws and constitution of this state, and of the United States, and such as may effectually guard against their importation as merchandise, and report by bill or otherwise.

Which being severally twice read, were adopted.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the committee of courts of justice enquire into the expediency of so amending the laws of this Commonwealth, upon the subject of emancipation of slaves, as to make it a condition upon which they shall be emancipated, that they shall be removed beyond the jurisdiction of this Commonwealth.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. Paris—1. A bill to enable defendants in certain civil actions to prepare their defence.

On the motion of Mr. Stone—2. A bill for the benefit of building mechanics.

On the motion of Mr. Helm (of Barren)—3. A bill to alter and reduce into one, the several laws concerning the town of Glasgow.

4. A bill for the benefit of Robert Ferguson of Barren county.

On the motion of Mr. Phelps—5. A bill for the benefit of the mechanics of the town of Covington and Newport.

On the motion of Mr. Crockett—6. A bill to add the county of Henderson to the 14th Judicial District; the county of Todd

to the 7th Judicial District; and the county of Butler to the 6th Judicial District.

On the motion of Mr. Hanson—7. A bill for the benefit of the heirs of John Gray, deceased.

On the motion of Mr. Jones—8. A bill allowing an appropriation of land warrants, to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county.

On the motion of Mr. Marshall—9. A bill providing for the construction of a Turnpike road from the town of Hopkinsville, to the Ohio river.

On the motion of Mr. English—10. A bill to amend the law imposing a tax on merchandise.

On the motion of Mr. Wortham—11. A bill to establish an election precinct in the county of Grayson.

On the motion of Mr. Calvert—12. A bill to alter the length of time of holding the Hickman and Graves Circuit Courts, and for other purposes.

On the motion of Mr. Trimble—13. A bill prescribing the duties of Sheriffs, and other officers on executions.

On the motion of Mr. Morris (of Henderson)—14. A bill to establish an election precinct in the county of Henderson.

On the motion of Mr. Morehead—15. A bill to appropriate \$300 worth of land warrants to the county of Todd to improve the road from Elkton to the Christian county line.

On the motion of Mr. Colyer—16. A bill for the benefit of the Seminary in Laurel county.

On the motion of Mr. Wigginton—17. A bill to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in the direction of Nashville.

On the motion of Mr. Coffman—18. A bill to appropriate a certain portion of vacant and unappropriated land in the county of Muhlenburgh, for the improvement of the public roads in said county.

On the motion of Mr. Crow—19. A bill to establish a state road from the town of Owenborough on the Ohio river by the way of the mouth of Rough creek, and Green river, to Hopkinsville.

On the motion of Mr. Dillon—20. A bill to authorise and require the Judges of the different Circuit Courts of this state to adjudge and award the corpses of negroes, executed by sentence of said judges, to the Faculties of the different chartered Colleges in this state, for dissection and experiment.

On the motion of Mr. McClure—21. A bill to reduce the salaries of certain officers of this Commonwealth.

On the motion of Mr. A. S. White—22. A bill to authorise the guardian of the heirs of Corbin Dorsey, deceased, to sell a

negro woman, and apply the proceeds thereof to the purchase of lands for the benefit of said heirs.

On the motion of Mr. White (of Whitley)—23. A bill to improve certain roads in Knox county.

The committee for courts of justice was directed to prepare and bring in the first, sixth and thirteenth; Messrs. Stone, Hedleston and Phelps the second; Messrs. T. J. Helm, Todd and Murrel the third; the committee of propositions and grievances the fourth and fifth; Messrs. Hanson, Vanmetre and Ryan the seventh; the committee of internal improvements the eighth and ninth; Messrs. English, Wigginton and Tompkins the tenth; Messrs. Wortham, J. L. Helm and Sterett the eleventh; Messrs. Calvert, Irvine and Coffman the twelfth; Messrs. G. Morris, Grundy and Wigginton the fourteenth; Messrs. Morehead, J. W. Williams and Clarke the fifteenth; the committee on education the sixteenth; Messrs. Wigginton, J. L. Helm, L. Anderson and Todd the seventeenth; Messrs. Coffman, Crow and Crockett the eighteenth; Messrs. Crow, Crockett, Clarke, Coffman and Hinton the nineteenth; Messrs. Dillon, Tompkins, J. W. S. Mitchell, Wigginton, T. J. White, Austin and Paris the twentieth; the committee of ways and means the twenty-first; Messrs. A. S. White, Underwood and Nuttall the twenty-second; and Messrs. D. White, Jones and Sneed the twenty-third.

And then the House adjourned.

THURSDAY, JANUARY 16, 1834.

The Speaker laid before the House the annual report of the President and Directors of the Louisville and Portland Canal Company.

(See Appendix—II.)

The Speaker also laid before the House a letter from the public Librarian, enclosing his report of the state of the Public Library.

(See Appendix—I.)

1. Mr. Crow presented the petition of Nicholas C. Taylor, praying a divorce from his wife Eliza Taylor.
2. Mr. Tompkins presented the petition of Thomas Outten and P. S. Outten, representing that they stand indicted in the Jessamine circuit court on a charge of felony; and that owing to the undue influence of the prosecutor, and the prejudices existing against them in said county, they believe they cannot, in said county, have a fair and impartial trial, and praying a change of venue.
3. Mr. Haskin presented the petition of the Jailor of Mercer

county, representing that there is no Jail, at present, in said county, the old one having been pulled down for the purpose of building a new one, and praying that a law may pass to authorise persons prosecuted for felony, in said county, to be confined in the Jail of Garrard county.

4. Mr. Combs presented the petition of the Trustees of the African Church in the city of Lexington, praying that a law may pass to authorise them to make a legal conveyance for a lot of ground, in said city, to enable them to fulfil a contract for a sale of the same.

Which petitions were severally received, read, and referred: the first to the committee of religion; the second and fourth to the committee of courts of justice; and the third to a select committee of Messrs. Haskin, J. Morgan and Sneed.

Mr. Barlow, from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to authorise the election of Trustees for the town of Monticello.

An act to allow additional terms to the Jessamine county courts.

An act to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof.

An act to regulate the fines and forfeitures in Nicholas county.

An act to extend the boundary of the Maysville election precinct in the county of Mason.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Phelps, from the committee of propositions and grievances, made a report on the subject of the removal of the seat of justice of Hickman, from Clinton to Columbus, which being twice read, was recommitted to the said committee.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of the petition of Robert Griffith's heirs and devisees; the petition of the widow and administrator of James Monks; and from the duty of preparing and bringing in a bill to regulate the taxing of costs in certain cases, and to dispense with a prosecutor in prosecutions for trespass.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act, supplementary to an act entitled, an act to remove obstructions to the navigation of the falls of Green river, and for other purposes, approved February 2, 1833.

An act to provide for reviewing, opening, and establishing a road from Frankfort to Williamstown, in Grant county.

An act to authorise the Secretary of State to purchase 200 cop-

ies of Luke Munsell's improved map of Kentucky, and for other purposes.

An act granting certain powers to Lincoln, Casey and Adair county courts.

The passage of bills which originated in this house of the following titles—

An act to empower the Trustees of the town of Lebanon to open alleys in said town.

An act to legalise the proceedings of the Caldwell county court.

An act to change the place of voting at a precinct in Grant county, and for other purposes.

An act to change the place of voting in the precincts in Hancock and Nelson counties, including the town of Bloomfield: with amendments to the latter bill, and their concurrence in a resolution which originated in the House, for appointing a joint committee to examine the Register's office.

Whereupon, Messrs. Combs, Wickliffe, G. Davis and Todd were appointed a committee on the part of this House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Helm, from the committee of Claims, to whom was referred a bill for the benefit of Strother Jones Hawkins, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence,

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of claims—1. A bill for the benefit of Wm. P. Shackelford.

By the committee for courts of justice—2. A bill to amend an act concerning headright certificates.

By the committee of religion—3. A bill for the benefit of Polly Masters.

4. A bill for the benefit of John Campbell.

By the committee of internal improvement—5. A bill to repeal the fourth section of an act entitled an act further to regulate the Wilderness and Turnpike road, approved January 11, 1830; and to provide for the appointment of overseers on said road, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bills having been dispensed with, the first, second, third and fourth bills were severally ordered to be engrossed and read a third time: and the 5th was committed to a select committee of Messrs. Colyer, Shackleford, S. Williams, Riffe and D. White.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, second, third and fourth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Wickliffe, from the committee of courts of justice, to whom was referred—A bill to amend the several acts establishing and regulating towns in this Commonwealth—reported the same with an amendment, which being twice read was concurred in, and the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Combs, from the committee of internal improvements, to whom was referred—"A bill to incorporate a Bridge company at Falmouth;" also—"A bill to improve certain public roads in Lewis county," reported the former without, and the latter with an amendment:

Which being twice read, was concurred in.

Ordered, That the said bills be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Johnson, from the committee on military affairs, reported joint resolutions; and thereupon, the rule of the house having been dispensed with, the said resolutions were taken up, twice read and adopted, in the following words:

The committee on military affairs have had under consideration several matters connected with the organization and laws governing the militia of this state, together with so much of the

Governor's message as relates to that subject, and have directed me to report the following resolutions:

Resolved, by the General Assembly of the Commonwealth of Kentucky, That Col. Peter Dudley and Lewis Sanders, Jr. be, and they are hereby appointed, a committee for the purpose of digesting the several laws of this state, now in force concerning the militia; and that they prepare such amendments as they shall consider expedient and essential to the efficient organization of the militia, and for the taking care of and preserving the public arms; and also to collect and digest the several acts of Congress on the same subject, and that they present the same to the next General Assembly, in the shape of a bill, with a view to legislative action.

Resolved, further, That our Senators and Representatives in Congress, be requested to procure the passage of a law, so to enlarge the franking privilege as to allow the Adjutant General, Major and Brigadier Generals, to frank all militia communications directly to commandants of regiments.

Ordered, That the Clerk carry the said resolutions to the Senate and request their concurrence.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth—Mr. Combs in the chair—and after some time spent therein, the speaker resumed the chair,

And Mr. Combs reported, that the committee had, according to order, had under consideration a bill to increase the revenue, and had made some progress therein; but not having time to go through the same, had instructed him to ask for leave to sit again.

The question was then taken on granting leave to the committee to sit again; which was decided in the negative.

And then the house adjourned.

FRIDAY, JANUARY 17, 1834.

The Speaker laid before the house the annual report of the Trustees of the institution for the tuition of the deaf and dumb at Danville, which is in the following words:

Danville, January 13, 1834.

TO THE HONORABLE,

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

The Trustees of the Asylum for the Tuition of the Deaf and Dumb, respectfully report,

That the institution is in successful operation; being furnished with well qualified teachers, and a superintendent and matron, in whom we have confidence; and the pupils enjoy good health, and are making satisfactory progress in their studies.

During the last summer, whilst the Cholera prevailed in our town, and in this region of country, this institution was for a time suspended. Among its first victims were the Rev. John R. Kerr and lady, superintendent and mafron to the Asylum, much respected, and lamented as a loss to the institution, and to society. The whole of Mr. Kerr's white family were about the same time prostrate by sickness; and the disease continuing, and spreading through the town and neighborhood, the trustees felt it a duty to send many of the pupils to their respective homes, and those who could not be sent home were removed to the country, and to places where they could be temporarily accommodated. We have heard of only one who died; but some have not returned. The board of trustees lost no time in reorganizing the institution, and appointed Doctor Luke Munsell and lady, to supply the places of Mr. Kerr and lady; and in September last it was again in complete operation.

The state of the finances of this institution you will find annexed, [marked A.] The amount of debt due us bearing interest is a little increased; but our receipts from Col. Allen, our agent in Florida, have fallen short of our expectations. We have however before us, an abstract of the sales made by him, viz: eight thousand three hundred and twenty acres, at an average of four dollars and twenty-nine and one half cents per acre, making the gross sum of thirty-five thousand seven hundred and thirty-seven dollars and sixty cents. Most of these sales were on a credit of one, two, three and four years; the amounts of course are mostly outstanding, but believed by Col. Allen to be well secured. We have the promise of remittances in this and the ensuing month.

By a reference to the annexed list of pupils, [marked B.] it will be seen that the number has decreased since our last report. Some have gone home because the time of their continuance, allowed by law, had expired; and some, as before mentioned, have not returned, probably, because of the panic which the Cholera produced through the country, and the apprehension felt by many, that *that*, or some other epidemic may be expected the ensuing spring or summer.

We are confident there has been no period since this institution went into operation, that it was in better condition as to government, good order, and instruction, than at present. A work shop has been prepared by Dr. Munsell, in which it is intended to give the pupils some knowledge in mechanism.

We now and then see letters from pupils, who have left the Asylum, and it gives us pleasure to see that they have not forgotten what they learned, and that they are doing well.

The utility of sending the pupils to the seat of government, for the satisfaction of the Legislature, as to the benefits of the institution, may, perhaps, in some measure, be rendered unnecessary, as there is a former pupil of the Asylum living in Frankfort, in a print-

ing office; but if it should be the pleasure of the legislature that we send down pupils to be examined before them—or to send a committee to make a thorough examination into the condition of this institution, the trustees will feel gratified, and will promptly meet your wishes.

Respectfully submitted, by order of the Trustees.

J. BARBOUR,
JAMES HARLAN,
Committee.

(A.)

Statement exhibiting the situation of the funds of the Institution on the 3d November, 1833.

DR. 1.	To balance on hand 3rd November 1832, as per report,	\$5,852 76
2.	" amount received from the treasury for the support of indigent pupils for the year ending 3rd November, 1833,	3,087 80
3.	" Cash received from agent in Florida, for sale of lands,	1,000 00
4.	" Cash received for tuition fees,	126 00
	Amount debits,	<u>\$10,066 56</u>

CR. 6.	By cash paid J. R. Kerr, for boarding indigent pupils from the 3rd November 1832, until his death 3rd July, 1833,	\$1,092 45
7.	" Cash paid Montgomery for boarding indigent pupils from the 3rd to the 22nd July, during the prevalence of the cholera,	9 14
8.	" Cash paid W. D. Kerr, for same, from 22d July to 28th August, 1833,	62 00
9.	" Cash paid Luke Munsell for same, from the 28th August until 3d Nov. 1833,	232 22
10.	" J. R. Kerr's salary, as assistant Teacher, from 3d Nov. 1832, until his death, 3d July, 1833, at \$400 per annum,	266 67
11.	" Cash paid W. D. Kerr, assistant Teacher, from 3d November 1832, until 1st September 1833, at \$250 per annum,	207 08
12.	" Salary of J. A. Jacobs, principal Teacher, for one year, ending 1st November 1833,	750 00
13.	" Fuel for school room,	15 00
14.	" Books and stationary,	19 49
15.	" Insurance,	36 57
16.	" Cash for stove,	21 46

17. " Sundry repairs to buildings & cost of materials, 255 12
 18. " Cash advanced to superintendant to buy
 furniture—money to be again returned by him, 200 00
 19. " Cash paid fee bill, - - - 50

Amount debits, \$3,167 70
 Balance on hand, 6,898 85

\$10,066 56

Note—In the foregoing statement, items No. 3, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18 and 19 are specie—No. 2, 6, 8, 9 and 10 are Commonwealth paper, and No. 1 a part of each. (See report of 1832.)

Of the above balance about \$5375 is upon loan in specie, bearing an interest of six per cent.

JAMES HARLAN, Sec.

(B.)

Pupils in the Asylum on the 3d November, 1833.

No.	NAMES.	AGE	WHERE FROM.	REMARKS.
1	John S. Langdon,	15	Pulaski county,	Indigent.
2	Henry Grissom,	15	Adair "	"
3	Edward Busby,	15	" "	"
4	Laura Flournoy,	16	Caldwell "	"
5	Adeline Flournoy,	14	" "	"
6	Jesse Forsythe,	24	Pendleton "	"
7	William Hoagland,	26	Washington "	"
8	Curtis Gatewood,	17	Nelson "	"
9	William Gatewood,	15	" "	"
10	Sally Gatewood,	14	" "	"
11	Walter W. Wood,	15	Natchez, Mississippi.	Pays ch's.
12	Zulema Kinchelo,	18	Nelson county,	Indigent.
13	Jesse Vanwinkle,	13	Wayne "	"
14	Jacob N. Johnson,	12	Bourbon "	"
15	John C. Wood,	16	Franklin, Tennessee.	Pays ch's.
16	Charles A. Welden,	12	Bracken county,	Indigent.
17	Elenor Mills,	12	Jefferson "	"
18	Oscro D. Grissom,		Adair "	"
19	Lewis Hudson,	12	Tuscumbia, Alabama.	Pays ch's.
20	— Todhunter,		Jessamine county,	"
21	Waller Rodes,	17	Scott "	"

OFFICERS OF THE ASYLUM.

Dr. Luke Munsell and Lady, Superintendent and Matron; John A. Jacobs, Principal Teacher; William D. Kerr, Assistant Teacher; Dr. Luke Munsell, Physician; James C. Barnes, Chairman of the Board of Trustees; James Barbour, Treasurer; James Harlan, Secretary.

1. Mr. Colyer presented the petition of Levina Off, praying a divorce from her husband, George Off.

2. Mr. Clarke presented the petition of James W. Ewing, guardian to Mary Ellen Ewing, praying that a law may pass to legalise the sale of a runaway slave belonging to his ward.

3. Mr. White (of Anderson) presented the petition of the heirs and representatives of John Penny, deceased, praying the passage of a law to authorise the sale of certain real estate belonging to the estate of the decedent.

Which petitions were severally received, read and referred; the first to the committee of religion; and the second and to the committee for courts of justice.

A message was received from the Senate, announcing the passage of bills, which originated in this house, of the following titles:

An act to establish an election precinct at the house of Benjamin Hale on Troublesome creek, in Perry county.

An act to establish an election precinct in Graves county.

An act to abolish certain election precincts in the county of Pike, and for other purposes.

An act to authorise the County Court of Wayne to sell a small piece of public ground, and for other purposes.

An act to repeal an act entitled an act to authorise the sale of Lebanon meeting house, in the county of Todd, approved December 15, 1832.

An act for the benefit of the heirs of James Speed.

An act to change the bounds and place of voting in an election precinct in Bracken county.

An act for the benefit of Elijah Barnes.

An act to authorise Levi Jones to withdraw the will of Richard Jones Waters, from the county of Jefferson.

An act to authorise the board of internal improvements for Shelby county, to erect toll gates.

An act to change the venue in the case of George Lansdown.

An act to authorise the erection of a new jail in Clarke county, and for other purposes: with amendments to the two latter bills.

And the passage of a bill entitled, "an act to amend the law concerning executions."

The amendments proposed by the Senate to a bill which originated in this house, entitled, an act to change the venue in the case of George Lansdown: were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Stevenson from the committee of religion—1. A bill for the benefit of Isabella Rowland.

By the committee of internal improvements—2. A bill to in-

corporate the Shepherdsville and Elizabethtown Turnpike road company.

By Mr. Culp—3. A bill for the benefit of John F. Power.

By Mr. McGoodwin—4. A bill for the benefit of Caldwell and Livingston counties, and for other purposes.

By Mr. Wortham—5. A bill to establish an election precinct in the county of Grayson.

By Mr. Calvert—6. A bill to alter the Hickman and Graves Circuit Courts, and for other purposes.

By Mr. D. White—7. A bill for the benefit of John Holt, sen.

By Mr. Crow—8. A bill to establish a state road from the town of Owenborough, on the Ohio river, by the way of the mouth of Rough creek and Greenville, to Hopkinsville.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Stevenson from the committee appointed for that purpose made the following report:

The committee appointed to take into consideration the report of the keeper of the Penitentiary, and examine the report of the Commissioners appointed to settle the accounts of said keeper, and report thereon whether the Legislature should not now receive the institution from said keeper, have had the same under consideration, and are of opinion that the proposition of Joel Scott, the keeper, to retire from office, is reasonable, and ought to be acceded to: Therefore,

Resolved, By the Senate and House of Representatives, that said Joel Scott, keeper of the Penitentiary, be released, and he be permitted to retire from office, from and after the first day of March next, according to his request.

Mr. Colyer from the select committee to whom was referred a bill to repeal the fourth section of an act entitled, an act further to regulate the Wilderness and Turnpike road, approved January 11, 1830, and to provide for the appointment of overseers on said road, and for other purposes; reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.

On the motion of Mr. G. Morris—

Ordered, That leave be given to bring in a bill to amend the revenue laws; and that the committee of ways and means prepare and bring in the same.

On the motion of Mr. Wickliffe—

Ordered, That a bill to regulate the rate of interest on certain contracts, and to prohibit excessive usury, be recommitted to the committee for courts of justice.

A bill to increase the revenue, was taken up and amended to read as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs of this Commonwealth, to collect, upon the valuation contained in the Commissioners' returns for the present year, and every year thereafter, at the rate of ten cents for every hundred dollars contained in the valuation of each individual's land and other property, subject to taxation; and that the taxes to be collected upon the lands of non-residents, shall be charged and collected at the same rate.

Be it further enacted, That the Cashier of the Louisville Bank of Kentucky, shall, on the first day of July, 1834, and on the same day annually thereafter, pay into the public Treasury, forty cents on each share held by the stockholders in said Bank.

Mr. Crockett then moved to amend the same by striking out the whole of said bill, after the enacting clause, and inserting in lieu thereof, the following, viz:

That hereafter the Commissioners of tax shall require each person in this Commonwealth, liable to taxation, to give in upon oath, a full and complete inventory of all his estate, real, personal and mixed, together with the reasonable value thereof in money; upon the aggregate amount of which, the Sheriffs of the respective counties in this Commonwealth, shall collect a tax at the rate of _____ cents for each hundred dollars worth of said estate, at the time and in the manner now required by law.

Be it further enacted, That should any person, liable to taxation as aforesaid, refuse to comply with the requisitions of this act, such proceedings shall thereupon be had against such delinquent as now required by law in similar cases.

Be it further enacted, That all acts or parts of acts conflicting with the provisions hereof, shall be and the same are hereby repealed.

And the question being taken, on adopting the proposed amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crockett and Phelps, were as follows, viz:

YEAS—Messrs. Allen, Austin, Brown, Clarke, Crockett, Culley, J. Davis, Gardner, Garnett, Marshall, J. W. S. Mitchell, R. Mitchell, Morehead, Nuttall, Paris, Phelps, Sayers, Slaughter, and A. S. White—19.

NAYS—Mr. SPEAKER, Messrs. A. Anderson, L. Anderson, Barbour, Barlow, Bradley, Byers, Cheek, Cochran, Coffman, Col-

yer, Combs, Crow, Culp, Cunningham, G. Davis, Dillon, Duff, Dunlap, English, Gatewood, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, May, Merrifield, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Pope, Ryon, Seaton, Shackleford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson, and Wortham—72.

The question was then taken on engrossing the said bill as amended, and reading it a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Paris and Barlow, were as follows, viz:

YEAS—MR. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cheek, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Culp, Cunningham, G. Davis, Dunlap, Gatewood, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, Hinton, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Pope, Riffe, Ryon, Sayers, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Vanmetre, Ward, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, and Wilson—63.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Brown, Clarke, Cruse, Culley, J. Davis, Dillon, Duff, English, Gardner, Garnett, T. J. Helm, Henderson, Irvine, Jones, McClure, R. Mitchell, Montgomery, Morehead, Nuttall, Paris, Phelps, Stone, Underwood, J. P. White, J. W. Williams, S. Williams, and Wortham—31.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The yeas and nays being required on the passage of said bill by Messrs. Morris and Hanson, were as follows, viz.

YEAS—MR. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cheek, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Culp, Cunningham, G. Davis, Dunlap, Gatewood, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Jas. Morgan, J. S. Mor-

gan, D. Morris, G. Morris, Parker, Perrin, Pope, Riffe, Ryon, Sayers, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Vanmetre, Ward, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, and Wilson—62.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Brown, Clarke, Cruse, Culley, J. Davis, Dillon, Duff, English, Gardner, Garnett, T. J. Helm, Henderson, Irvine, Jasper, Jones, McClure, R. Mitchell, Montgomery, Morehead, Nuttall, Paris, Phelps, Stone, Underwood, J. P. White, J. W. Williams, S. Williams and Wortham—32.

And then the House adjourned.

SATURDAY, JANUARY 18, 1834.

Mr. Wickliffe moved the following resolution, viz:

Resolved, That the Clerk of this house be authorised to employ additional clerical aid for the remainder of the present session.

Which being twice read, was adopted.

Mr. Combs moved the following resolution, viz:

Resolved, That the following be made a standing rule of this House:

The Clerk of the house shall be authorised to appoint one assistant; for whose fidelity and capacity he shall be held responsible.

Which being twice read, was adopted.

1. Mr. Johnson (of Scott,) presented the remonstrance of sundry citizens of Hickman county, against the passage of any law for the removal of the seat of justice of said county, from the town of Clinton to the town of Columbus.

2. Mr. Cochran presented the petition of sundry citizens of Spencer county, praying that a law may pass for the establishment of the town of Mount Eden, in said county, and for the regulation thereof; and for the appointment of an additional justice of the peace and constable in said county.

3. Mr. Ward presented the petition of William Spurlock, praying a divorce from his wife Martha, late Martha Gilbert.

4. Mr. Hunton presented the petition of Amanda Eoff, praying a divorce from her husband John L. Eoff.

5. Mr. Morris (of Henderson) presented the petition of Amanda Milleny, praying a divorce from her husband Daniel Milleny.

6. Mr. Knot presented the petition of Reubin Kemp, praying a divorce from his wife Elizabeth, late Elizabeth Royalty.

7. Mr. Johnson (of Livingston) presented the petition of sundry citizens of said county, praying the establishment of an election precinct in said county.

8. Mr. Dunlap presented the petition of sundry citizens of Fayette county, praying that a portion of the fines and forfeitures assessed in the county of Fayette, may be appropriated to the benefit of the town of Athens.

Which petitions were severally received, the reading thereof dispensed with, and referred: the first, second, seventh and eighth, to the committee of propositions and grievances; and the third, fourth, fifth and sixth, to the committee of religion.

Mr. Barlow, from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles and had found the same truly enrolled, viz:

An act for the benefit of the heirs of Samuel Allison, deceased,

An act to authorise Fleming Jones to build a mill dam across the south Fork of Little Barren river, and

An act for the benefit of Alfred Bowren.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the duty assigned them of preparing and bringing in a bill to regulate the sale of land made for Commonwealth money by virtue of execution. Also, from the further consideration of a resolution instructing them to enquire into the expediency of passing a law to obtain executions and copies of record from the office of Magistrates who may be absent from their respective counties for the term of months. Also, from the petition of the citizens of Lexington, in relation to the fire department of the police of said city. From the petition of Charles Daniel; and from the petition of the citizens of Bracken county, praying a repeal of the existing road law in said county; and that the two latter subjects be referred to the committee of internal improvement.

The resolution reported by Mr. Stevenson on yesterday, by the committee on the Penitentiary, for the adoption of the house, was taken up, twice read, and adopted.

Ordered, That the clerk carry the said resolution to the Senate and request their concurrence.

A message was received from the Senate, announcing their disagreement to a bill which originated in this house, entitled

An act for the benefit of William Garrett.

The passage of bills which originated in this house, of the following titles:

An act to establish the town of Stamping Ground in Scott county.

An act for the benefit of William M. Lane.

An act to add a part of the county of Knox to the county of Laurel.

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland; with an amendments to the latter bill.

And the passage of bills of the following titles:

An act further to regulate the town of Eddyville.

An act appropriating some of the vacant lands in certain counties, for the improvement of their roads.

An act to change the place of voting in one of the precincts in Cumberland county.

An act to amend an act entitled an act to add a part of the land of Richard Forrest to the town of Lebanon, approved, November 15, 1831; and for other purposes.

On the motion of Mr. Davis (of Bourbon,)

Ordered, That the joint resolution offered by him on yesterday, proposing certain amendments to the constitution of the United States, be made the order of the day for Monday next.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of courts of justice—1. A bill to amend the law regulating the granting of divorces.

2. A bill regulating elections in this Commonwealth.

3. A bill for the benefit of Charles F. Wing and Barnett Eades.

4. A bill making alterations in certain judicial Districts.

5. A bill to authorise an additional term for the trial of criminals, in the Fayette circuit court.

By Mr. Stone—6. A bill to authorise the opening of a road from Flat Rock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville.

Which bills were severally received and read the first time, and ordered to be read a second time:

And thereupon, the rule of the house, constitutional provision, and second and third readings of the third, fifth and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Tompkins from the select committee appointed for that purpose, reported a bill for the benefit of chartered Medical Colleges within this Commonwealth:

Which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill having been dispensed with,

Mr. Perrin then moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs Perrin and Tompkins, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Allen, Bradley, Clarke, Culp, J. Davis, English, Gardner, Haskin, Henderson, Irvine, Jasper, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan Per-
rin, Sterett, Stone, Underwood, Ward, J. W. Williams, and S. Williams—24.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Brown, Byers, Cheek, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Cruse, Culley, G. Davis, Dillon, Duff, Dunlap, Garnett, Gatewood, Grundy, Hanson, Harrison, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McClure, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Nuttall, Paris, Parker, Phelps, Pope, Riffe, Sayers, Seaton, Shackelford, Slaughter, Stevenson, Stockton, Todd, Tompkins, Trimble, Vanmetre, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, and Wilson—63.

The said bill was then recommitted to a select committee of Messrs. J. W. S. Mitchell, T. J. White, Paris, Austin, Dillon, Tompkins and G. Morris.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on the 17th inst., approve and signed enrolled bills which originated in the House of Representatives, of the following titles:

An act to regulate the fines and forfeitures of Nicholas county.

An act to provide for the annual appointment of commissioners to take in the lists of taxable property, and for the annual valuation thereof.

An act to extend the boundary of the Maysville election precinct, in the county of Mason.

An act to authorise the election of Trustees, in the town of Monticello.

An act to allow additional terms to the Jessamine county court. And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

The amendments proposed by the Senate to bills which originated in this House, of the following titles, were twice read and concurred in, viz.

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

An act to authorise the erection of a new Jail in Clarke county, and for other purposes.

An act to change the place of voting in the precincts, in the counties of Hancock and Nelson.

An act allowing William McHargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county; and for other purposes.

An act for the benefit of Colemansville.

An act to amend an act entitled, an act establish a road from Louisville to the State line, in a direction to Knoxville, approved January 22, 1833.

Ordered, That the Clerk inform the Senate thereof.

Engrossed bills of the following titles, were severally read a third time, and an engrossed clause added to the fifth, by way of ryder, viz:

1. An act for the benefit of Augusta College.
2. An act to amend the law authorising the sale of infants estates.
3. An act to amend the penal laws.
4. An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county; and for other purposes.
5. An act to establish an election precinct in the town of Ghent, in Gallatin county; and for other purposes.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence,

A bill to authorise writs of error with supersedeas in criminal cases—was read a second time and amended—a further amendment being moved and under consideration—

The house then adjourned.

MONDAY, JANUARY 20, 1834.

The Speaker laid before the House the annual report of the Commissioners of the Lunatic Asylum, at Lexington, which is in the following words:

To the Honorable the General Assembly of the Commonwealth of Kentucky:

GENTLEMEN:

In conformity to the law passed in eighteen hundred and twenty-three, the Commissioners of the Lunatic Asylum, beg leave respectfully to submit this report:

The accompanying document marked A., exhibits a list of the patients in this Institution, on the 11th inst. their age, diseases, date when received, and the county from which they were sent:

also, the number admitted, being three hundred and ninety-six from the foundation of this humane Institution, by your honorable body, from which it appears, one hundred and fifty have been restored to society and their friends, in the past year; forty-three patients have been received; twelve of whom have been discharged, cured. Of those that remained in the Asylum when we had the honor to report last, seven have been discharged, and forty-six died the past year. In common with the citizens of this city, the number of deaths was much increased, under the visitation of Divine Providence in the shape of Asiatic Cholera. The number at present in the house, is sixty six; some of whom are convalescent.

The document marked B, exhibits the receipts and expenditures of the Institution for the last year: shewing a balance in the hands of the Chairman, of two thousand one hundred and fifty dollars and sixty and three-fourth cents in specie.

Your commissioners beg leave to recommend the appropriation of six thousand dollars, for the support of the Institution for the ensuing year.

All of which is respectfully submitted by your Commissioners.

JOHN W. HUNT,
JOHN BRAND,
R. HIGGINS,
T. P. HART,
S. CHIPLEY.

[A.]

Abstract of Patients remaining in the Lunatic Asylum, 11th of January, 1834.

Date.	Sex.	Age.	Disease.	County.
May 4, 1824,	Female,	17	Idiocy,	Breckinridge,
July 20, 1824,	Female,	36	Colunear,	Clarke,
Oct. 23, 1824,	Female,	27	Mania,	Madison,
Oct. 25, 1825,	Male,	37	Mania,	Fayette,
Jan. 25, 1825,	Female,	26	Idiocy,	Shelby,
June 4, 1825,	Male,	31	Mania,	do.
June 15, 1826,	Male,	33	do.	Warren,
April 4, 1826,	Male,	23	Dolore,	Jefferson,
Oct. 21, 1826,	Female,	35	Mania,	do.
Oct. 25, 1827,	Male,	48	do.	Fayette,
May 10, 1827,	Male,	32	Epilepsy,	do.
May 29, 1827,	Female,	53	Peuerperil,	Washington,
June 13, 1827,	Male,	29	Idiocy,	Pendleton
July 7, 1827,	Female,	48	do.	Fayette,
Oct. 6, 1827,	Female,	63	Mania,	Christian,
Nov. 2, 1827,	Female,	13	Idiocy,	Breckenridge,
Nov. 23, 1828,	Female,	46	Mania,	Logan,

<i>Date.</i>	<i>Sex.</i>	<i>Age.</i>	<i>Disease.</i>	<i>County.</i>
Dec. 23, 1828,	Female,	41	Dolore,	McCracken,
Feb. 15, 1828,	Male,	43	Mania,	Mississippi,
April 10, 1828,	Female,	43	do.	Barren,
May 7, 1828,	Female,	30	do.	Laurel,
June 23, 1828,	Male,	43	do.	Fayette,
Aug. 4, 1828,	Female,	44	Idiocy,	Wayne,
Oct. 2, 1828,	Male,	36	Mania,	Barren,
April 29, 1829,	Male,	21	A potu,	Jefferson,
May 30, 1829,	Female,	38	Mania,	Logan,
July 25, 1829,	Female,	35	do.	Simpson,
Sept. 5, 1829,	Female,	17	Epilepsy,	Mercer,
April 21, 1830,	Female,	54	Mania,	do.
June 21, 1830,	Female,	40	do.	do.
Sept. 2, 1830,	Female,	30	Epilepsy,	Simpson,
Oct. 2, 1830,	Male,	34	do.	Mercer,
Oct. 17, 1830,	Male,	42	Mania,	Ohio,
Oct. 25, 1830,	Female,	39	Epilepsy,	Ohio,
Jan. 23, 1831,	Male,	25	Mania,	Jefferson,
April 19, 1831,	Male,	16	Epilepsy,	Garrard,
May 2, 1831,	Male,	42	Mania,	Pike,
July 16, 1831,	Male,	27	Epilepsy,	Mercer,
Sept. 19, 1831,	Male,	61	A potu,	Fayette,
Nov. 21, 1831,	Male,	36	Mania,	do.
Nov. 21, 1831,	Male,	25	Idiocy,	do.
Dec. 11, 1831,	Female,	34	Mania,	Allen,
Mar. 5, 1832,	Male,	26	do.	Bourbon,
Mar. 31, 1832,	Female,	38	do.	Tennessee,
Aug. 21, 1832,	Male,	33	Epilepsy,	Mason,
Aug. 22, 1832,	Male,	19	do.	Harlan,
Oct. 19, 1832,	Female,	25	Mania,	Woodford,
Oct. 19, 1832,	Female,	35	do.	Fayette,
Dec. 11, 1832,	Female,	35	Idiocy,	do.
Feb. 18, 1833,	Male,	17	Mania,	Alabama,
April 22, 1833,	Male,	22	Mania,	Nelson,
July 11, 1833,	Male,	35	Lunacy,	Fleming,
July 31, 1833,	Male,	24	do.	Shelby,
Sept. 4, 1833,	Female,	33	Mania,	Allen,
Sept. 17, 1833,	Male,	22	do.	Montgomery,
Sept. 30, 1833,	Male,	34	do.	Indiana,
Oct. 18, 1833,	Female,	40	do.	Bullitt,
Nov. 6, 1833,	Male,	35	Lunacy,	Fayette,
Nov. 20, 1833,	Male,	23	Mania,	Allen,
Nov. 22, 1833,	Male,	26	do.	Mississippi,
Nov. 25, 1833,	Male,	19	Idiocy,	Rockcastle,
Nov. 28, 1833,	Male,	32	Mania,	Boone,
Nov. 29, 1833,	Male,	45	Mania,	Fayette,

<i>Date.</i>	<i>Sex.</i>	<i>Age.</i>	<i>Disease.</i>	<i>County.</i>
Dec. 16, 1833,	Male,	28	Mania,	Mason,
Dec. 19, 1833,	Male,	20	Idiocy,	Fayette.
Jan. 10, 1834,	Male,	21	Lunacy,	Green.

Males 38—Females 28—Total 66.

Patients remaining in the Hospital, the 11th Dec. 1832,	102
Of whom have died,	46
discharged cured,	7
Received into the Hospital from 11th Dec. 1832,	
to 11th January, 1834,	43

145

Of whom have died	14
discharged,	12
	—26
	79

Total 66

Of whom are paupers,	51
boarders,	15
	—66

Since the opening of the Institution, January 1824, to January 11th, 1834, there have been received, patients,	396
Of whom have died,	159
discharged,	150
eloped,	21
	—
	330

Remains as above, 66

[B.]

Abstract of the receipts and expenditures of the Lunatic Asylum, from 11th December, 1832, until 11th January, 1834.

State appropriation in Commonwealth paper, produced,	\$7876 26
Received from boarders,	2155 49

\$10,031 75

Provisions,	\$2436 75
Clothing,	819 88
Furniture and bedding,	338 05½
Fuel,	945 80
Repairs and finishing new wing to Asylum,	1630 82½

Extras,	202 26½
Conveying patients,	328 37½
Medicine and physicians' salaries,	146
Salaries and hire,	1033 19½
Balance in the hands of the chairman,	\$2150 60½
	<hr/>
	\$10,031 75
	<hr/>

1. Mr. Morgan (of Nicholas) presented the petition of the administrator, widow and heirs of Samuel Monson, jr. deceased, praying the passage of a law to authorise the sale of the real estate and slaves of the decedent, to enable them to discharge the debts of the decedent.

2. Mr. Anderson (of Green) presented the petition of certain citizens of said county, praying that a law may pass to appropriate the fines and forfeitures accruing in said county to the purposes of education.

3. Mr. Combs presented the petition of Isabella Steele, praying a divorce from her husband, William Steele.

4. Also the petition of the Mayor and Council of the city of Lexington, praying an amendment to the law incorporating said city, so as to exempt the firemen employed in the Fire Department of said city, from serving on juries.

5. Mr. J. W. Williams presented the petition of John A. Bailey and Charles A. Bailey, of Todd county, praying that a law may pass to prolong the time granted them to build a mill dam across the Elk fork of Red river, in said county.

6. Mr. White (of Shelby) presented the petition of sundry citizens of said county, praying the establishment of an election precinct in said county.

Which petitions were severally received, the reading thereof dispensed with and referred; the first was committed to a select committee of Messrs. Morgan, Trimble and Stockton; the second to the committee of education; the third to the committee of religion; the fourth to the committee for courts of justice; the fifth to a select committee of Messrs. J. W. Williams, Morehead and Slaughter; and the sixth to the committee of privileges and elections.

A message was received from the Senate, announcing the passage of bills of the following titles:

An act authorising the erection of a bridge across main Licking river, in Harrison county.

An act to alter the time of holding certain Courts.

An act for the benefit of the jailor of Mercer county.

An act to establish a road from Harrodsburgh to Taylorsville.

And the passage of bills which originated in this house of the following titles:

An act to incorporate the Orphan Society of Lexington.

An act to build a bridge across Jillico river in Whitley county.

An act appropriating certain lands for improving certain roads in Harlan county—with amendments to the two latter bills.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to change the place of voting in a precinct in Grant county, and for other purposes.

An act to legalize the proceedings of the Caldwell County Court.

An act to empower the Trustees of the town of Lebanon to open alleys in said town.

An act to authorise Levi Jones to withdraw the will of Richard Jones Waters, from the county court of Jefferson.

An act to change the venue in the case of George Lansdown.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on this day, approve and signed enrolled bills which originated in the House of Representatives, of the following titles:

An act for the benefit of the heirs of Samuel Allison, deceased.

An act to authorise Fleming Jones to build a mill dam across the south Fork of Little Barren river; and

An act for the benefit of Alfred Bowren.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee for courts of justice—1. A bill for the benefit of William Mayo.

By the committee on education—2. A bill for the benefit of the London Seminary, in Laurel county.

By Mr. English—3. A bill to repeal the act approved, February 1, 1833, entitled an act to amend the law imposing a tax on merchandise.

By Mr. Jonas—4. A bill to appoint trustees for the town of Williamstown, and for other purposes.

By Mr. May—5. A bill to establish a Turnpike road company from Pikeville, to the Virginia state line, at or near the head of Elkhorn.

By Mr. A. S. White—6. A bill authorising the guardian of the heirs of Corbin Dorsey, deceased, to sell a negro woman.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the first, second, fifth and sixth bills having been dispensed with; the first, second and sixth were severally ordered to be engrossed and read a third time; and the fifth was committed to the committee of internal improvement.

And thereupon the rule of the house, constitutional provision, and third reading of the second and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Culp moved the following resolution, viz:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of bringing in a bill to alter and amend the law establishing ferries in this Commonwealth, and that said committee report by bill or otherwise.

Which being twice read, was adopted.

Mr. Cheek moved the following resolution, viz:

Resolved, That a committee of seven be appointed by this house, to enquire into, and ascertain the amount of stock now owned by this state, in the Kentucky and Commonwealth's Banks, the amount of available funds belonging to her in said Institutions, and that they enquire into the propriety of disposing of said funds (after cancelling the debt which may be due from the government on the 10th day of October next, over and above her receipts into the Treasury at that time,) among the several counties of this Commonwealth, in proportion to their population, according to the census of 1830, for the improvement of their public roads and navigable streams, to be appropriated, however, upon such roads and streams, as the Legislature may direct within the bounds of the several counties, but if the Legislature shall fail to direct where the appropriations shall be made, then, the same shall be appropriated for the objects aforesaid, according to the order and directions of ———; and that they also enquire under whose management and superintendence said improvements shall be made, and report to this house by bill or otherwise.

Which being twice read, was laid on the table.

On motion—

Ordered, That Mr. Shackelford be added to the committee appointed to examine the reports of the Banks of Kentucky and of the Commonwealth.

Mr. Anderson (of Green) moved the following resolution, viz:

Resolved, That the order of this house, authorising the Sergeant at arms to exchange the present seats of this room, for

chairs; and also to procure an additional number of tables, be rescinded, so far as it relates to the chairs.

Which being twice read, was laid on the table.

Mr. Combs moved the following resolution, viz:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of abolishing public executions of condemned criminals, and providing for their execution within the prison yard where they may be confined.

Resolved, That one hundred and fifty copies of a report made to the Pennsylvania Legislature, on the expediency of abolishing public executions, be printed for the use of the Kentucky Legislature.

Which being twice read, was adopted.

Leave was given to bring in the following bills:

On the motion of Mr. McGoodwin—1. A bill to authorise the insertion of certain advertisements in the "Record of the Times," a newspaper about to be printed in Princeton.

2. A bill to change the name of Alonzo P. Buck.

On the motion of Mr. Marshall—3. A bill to authorise the trustees of the town of Frankfort to obtain loans of money.

On the motion of Mr. Jonas—4. A bill for the benefit of the Grand Lodge of Kentucky.

Messrs. McGoodwin, Johnson (of Livingston,) and Crow, were appointed a committee to prepare and bring in the first; Messrs. McGoodwin, Coffman and Crockett the second; Messrs. Marshall, Watkins and Hunton the third; Messrs. Jonas, G. Davis, Combs, J. W. S. Mitchell, Phelps, Wickliffe, Todd, Paris and Hunton the fourth.

And then the House adjourned.

TUESDAY, JANUARY 21, 1834.

A message was received from the Senate, announcing the passage of a bill which originated in this house, entitled,

An act to amend the acts concerning the town of Shepherdsville—with amendments.

1. Mr. Culp presented the petition of Robert D. Owens, praying a divorce from his wife, Susan W. Owens.

2. Mr. Wickliffe presented the petition of Sarah Gregg, praying the passage of a law to ratify and confirm a sale made by her of a slave, the property of her deceased husband.

3. Mr. Merrifield presented the petition of Wilson B. Lutes, praying a divorce from his wife, Cynthia Lutes.

4. Mr. Henderson presented the petition of sundry citizens of Lewis county, praying the passage of a law to authorise the ap-

pointment of a justice of the peace to reside in or near the town of Concord, in said county.

Which petitions were severally received, read and referred; the first and third to the Committee of religion; the second to the committee for courts of justice; and the fourth to a select committee of Messrs. Anderson, Byers and Stone.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on the 20th inst., approve and sign enrolled bills which originated in the House of Representatives of the following titles:

An act to change the venue in the case of George Lansdown.

An act authorising Levi Jones to withdraw the will of Richard Jones Waters, from the county court of Jefferson.

An act to legalize the proceedings of the Caldwell county court.

An act to empower the trustees of the town of Lebanon to open alleys in said town.

An act to change the place of voting at a precinct in Grant county, and for other purposes.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Wickliffe from the committee for courts of justice, to whom was referred a bill to amend and reduce into one the several acts concerning private passways—reported the same with sundry amendments.

Which being severally twice read, were concurred in.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Combs moved the following resolutions, viz:

Resolved, That this House now adjourn until to-morrow, in order to attend the funeral of William P. Fleming, Esq. late Senator from Fleming county.

Resolved, That the members of this House will go in procession to said funeral, and will wear crape on the left arm for 30 days, in testimony of their high respect for the memory of the deceased, and their unfeigned sympathy with his bereaved relatives.

Which being twice read, were adopted.

The house then adjourned.

WEDNESDAY, JANUARY 22, 1834.

Mr. Gardner presented the petition of Elizabeth Miller, praying a divorce from her husband, John R. Miller.

2. Mr. Trimble presented the memorial of H. I. Anderson

and John J. Vest, proposing to take under their charge the Penitentiary Institution, as the Keeper and Agent thereof, in the room of Joel Scott, who is about to resign that office.

3. Mr. Culp presented the petition of Jesse Payne, and Elizabeth Payne his wife, late Elizabeth Bledsoe, widow of William H. Bledsoe, deceased, praying that a law may pass to authorise the sale of certain real estate belonging to her deceased husband, William H. Bledsoe.

4. Mr. Grundy presented the petition of sundry citizens of Union county, praying the passage of a law to change the place of holding elections in a precinct in said county.

5. Also the petition of the widow and heirs of Thomas Wathen, deceased, praying that a law may pass to authorise the sale of a negro woman slave, belonging to said estate.

6. Mr. Merrifield presented the petition of sundry citizens of Nelson county, praying that a law may pass to authorise the appointment of an additional justice of the peace for said county, to reside in the town of Bloomfield.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee of religion; the second to the committee on the penitentiary; the third and fifth to the committee for courts of justice; the fourth to a select committee of Messrs. Grundy, Crockett and G. Morris; and the sixth to a select committee of Messrs. Merrifield, Wickliffe and J. L. Helm.

Mr. Barlow, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to authorise the erection of a new jail in Clarke county, and for other purposes.

An act to incorporate the Orphan Society of Lexington.

An act to change the place of voting in the counties of Hancock and Nelson.

An act allowing William McHargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county; and for other purposes.

An act to amend an act entitled, an act to establish a road from Louisville to the State line, in a direction to Knoxville, approved January 22, 1833.

An act for the benefit of Colemansville.

An act to establish the town of Stamping Ground in Scott county.

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

An act for the benefit of the heirs of James Speed.

An act to repeal an act entitled an act to authorise the sale of

Lebanon meeting house, in the county of Todd, approved December 15, 1832.

An act to add a part of the county of Knox to the county of Laurel.

An act to authorise the board of internal improvement for Shelby county to erect a toll gate.

An act to authorise the county court of Wayne to sell a small piece of ground, and for other purposes.

An act for the benefit of William M. Lane.

An act to change the bounds and place of voting in one of the precincts in Bracken county.

An act to abolish certain election precincts in the county of Pike, and for other purposes.

An act for the benefit of Elijah Barnes.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek, in Perry county.

An act to establish an election precinct in Graves county.

An act for the benefit of Robert Sanders.

Also a resolution for appointing a joint committee to examine the Register's Office.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of a resolution, directing said committee to enquire into the expediency of repealing so much of an act entitled, an act to amend the law prohibiting the importation of slaves into this state, approved February 2, 1833, as prohibits the importation of slaves into this state, by any person or persons, for their own use, &c.; also from the further consideration of a resolution directing said committee to enquire into the expediency of bringing in a bill so amending the present laws, on the subject of mortgages and deeds of trust, as to make such instruments of no validity, as to creditors or purchasers, until they are deposited in the proper office for record, or of reducing the time within which such instruments are now by law required to be deposited for record; also from the further consideration of the petitions of the heirs of William W. Penny, deceased; also from the further consideration of the petition of O. B. Gridley and others.

Mr. Wickliffe from the same committee to whom was referred a bill to amend the law concerning alimony—reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time to-morrow.

Mr. Combs from the committee of internal improvements made

a report on the petition of Charles Daniel, which being twice read and amended, was concurred in, in the following words:

Resolved, That the said petition be rejected.

On motion—

Ordered, That the committee of the whole house to whom the several improvement bills referred for this day be discharged from the further consideration thereof, and that the same be placed in the orders of the day.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee for courts of justice—1. A bill to change the venue in the case of Thomas and P. S. Outten.

2. A bill to authorise the trustees of the African church in Lexington, to convey a house to Sarah Sayre.

By the committee of religion—3. A bill for the benefit of Drury Evans.

By the committee of internal improvement—4. A bill to repeal the law concerning roads, so far as it relates to Bracken, approved January 29, 1830.

5. A bill to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

Which bills were severally received and read the first time, and ordered to be read a second time:

And thereupon, the rule of the house, constitutional provision, and second and third readings of said bills, (the fifth excepted, which was committed to the committee of internal improvements) having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The House resumed the consideration of a bill to authorise writs of error with supersedeas in criminal cases—and the motion made on Saturday last to postpone the further consideration of said bill, until the first day of June next.

And the question being taken on the postponement of said bill until the first day of June next, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Nuttall, were as follows, viz:

YEAS—Messrs. Allen, A. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Byers, Calvert, Clarke, Cochran, Coffman, Colyer, Combs, Crow, Cruse, Culley, G. Davis, J. Davis, Duff, Dunlap, English, Gardner, Garnett, Gatewood, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Jonas, Jones, Knot, McClure, May, R. Mitchell, Montgomery, Morehead, J. S. Morgan, D. Morris, Murrell, Paris, Parker, Perrin, Riffe,

Ryon, Sayers, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stone, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams, Wilson, and Wortham—71.

NAYS—Mr. SPEAKER, Messrs. Cheek, Crockett, Culp, Cunningham, Dillon, Grundy, Johnson of Scott, McGoodwin, Marshall, Jas. Morgan, G. Morris, Nuttall, Phelps, Pope, Seaton, Trimble, Ward, Wickliffe, and Wigginton—20.

And then the House adjourned.

THURSDAY, JANUARY 23, 1834.

Mr. White (of Anderson) presented the petition of John Seders, praying a divorce from his wife Mary, late Mary Higinbotham.

Which was received, read, and referred to the committee of religion.

A message was received from the Senate, announcing the passage of a bill entitled an act to establish the town of Mills Point, in the county of Hickman, and for other purposes:

And the passage of a bill which originated in this House, entitled an act to establish the county of Marion—with amendments.

Mr. Wickliffe from the committee for courts of justice to whom was referred a bill concerning the liabilities and duties of executors, administrators and guardians—reported the same with an amendment in lieu of the original bill.

Ordered, That the Public Printer forthwith print 150 copies of the bill and amendment, for the use of the members of this house.

Mr. Stevenson from the committee of religion, made the following report:

The committee of religion have had under consideration the petitions of Wilson B. Lutes; Robert D. Owens; and Nicholas C. Taylor, praying for divorces, and have come to the following resolution thereon,

Resolved, That said petitions be rejected.

Which being twice read, was concurred in.

On the motion of Mr. Hanson—

Ordered, That the committee of ways and means be discharged from the duty of preparing and bringing in a bill to reduce the salaries of certain public officers.

Mr. Combs from the committee of internal improvements, to whom was referred a bill to establish a turnpike road company from Pikeville to the Virginia state line, at or near the head of Elkhorn—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Combs from the same committee, reported a resolution, which was twice read and adopted in the following words:

Resolved, That a permanent board of internal improvement for the state ought to be established, with power to employ and pay a competent civil engineer.

On the motion of Mr. Irvine—

Ordered, That leave be given to bring in a bill for the purpose of building bridges and improving certain roads in the several counties west of the Tennessee river: and that Messrs. Irvine, Calvert, Combs and Johnson (of Livingston) prepare and bring in the same.

On the motion of Mr. Hunton—

Ordered, That the committee to whom was referred the petition of Anthony Hunn, M. D., be discharged from the further consideration thereof.

A bill from the Senate, entitled an act supplementary to an act entitled, an act to remove the obstructions to the navigation of the falls of Green river, and for other purposes, approved February 2, 1833,

Was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill having been dispensed with, the same was committed to the committee of internal improvements.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of privileges and elections—1. A bill to establish an election precinct in Shelby county.

By the committee for courts of justice—2. A bill concerning free persons of colour in this Commonwealth.

3. A bill to authorise the depositions of Judges to be taken in common law cases.

4. A bill to regulate the terms of certain circuit courts, and for other purposes.

By the committee of ways and means—5. A bill repealing all laws making notes of the Bank of the Commonwealth of Kentucky, receivable in payment of public dues.

By Mr. Phelps—6. A bill for the benefit of the Grand Lodge of Kentucky.

By Mr. J. W. Williams—7. A bill for the benefit of John and Charles A. Bailey.

By Mr. McGoodwin—8. A bill to authorise the insertion of advertisements in the Record of the Times.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bills (the fifth excepted) having been dispensed with, the first, third, sixth, seventh and eighth were severally ordered to be engrossed and read a third time; and the second was committed to the committee for courts of justice; and the fourth to a select committee of Messrs. Combs, Marshall and Wickliffe.

And thereupon the rule of the house, constitutional provision and third reading of the first, third, sixth, seventh and eighth bills having been dispensed with and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Cochran moved the following resolution, viz:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of authorising a subscription on behalf of this Commonwealth to one moiety of the capital stock of the Louisville Turnpike Company, agreeably to the thirtieth section of the act, approved January 29, 1829, entitled "an act to incorporate certain turnpike road companies."

Which being twice read, was adopted.

Mr. Henderson from the committee appointed for that purpose, reported a bill to allow an additional justice of the peace to Lewis county.

Which bill was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision and second reading of said bill having been dispensed with, and the same having been amended—

The orders of the day were called for and taken up.

The committee of the whole house was then, on motion, discharged from the further consideration of the special order of the day, viz: a bill to establish the State Bank of Kentucky, and the same was taken up for consideration, and sundry amendments made thereto.

Mr. Helm then moved further to amend said bill by adding thereto the following as an additional section, viz:

Be it further enacted, That the notes issued by said Bank, shall

be receivable by any collector of monies to be paid into the Treasury, or county levy, in the several counties of this state, and the same shall be received by the several county creditors, and shall be received by all officers of the Commonwealth, who receive from the Treasury fixed salaries, or any person who may have claims against the state of Kentucky, for monies to be paid out of the Treasury, so long as the Bank redeems its notes in gold or silver.

And the question being taken on adopting the section afore-said, as an amendment to the bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Davis and J. L. Helm, were as follows, viz:

YEAS—Messrs. A. Anderson, Barbour, Barlow, Bradley, Brown, Clarke, Colyer, Cunningham, J. Davis, Dillon, English, Gardner, Gatewood, Grundy, J. L. Helm, T. J. Helm, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McClure, McGoodwin, Montgomery, Morehead, Nuttall, Paris, Riffe, Slaughter, Sneed, Stevenson, Stone, Tompkins, Vanmetre, A. S. White, J. P. White, Wigginton, Wilson and Wortham—39.

NAYS—Messrs. Austin, Byers, Cheek, Cochran, Coffman, Combs, Crockett, Crow, Culp, G. Davis, Duff, Dunlap, Garnett, Hanson, Harrison, Haskin, Heddleston, Henderson, Hinton, Hutton, Jonas, Jones, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Sterett, Todd, Trimble, Underwood, Ward, Watkins, D. White, T. J. White, Wickliffe, J. W. Williams, and S. Williams—51.

And then the House adjourned.

FRIDAY, JANUARY 24, 1834.

1. Mr. Nuttall presented the petition of Charles Roseberry, representing that he is the owner of a negro man slave named Simeon; that his only sister, Lucy, alias Lucy Cotton, a free person of color lately departed this life without heirs, leaving considerable estate; and praying the passage of a law to authorise his said slave Simeon to inherit said estate, upon the petitioner emancipating said slave.

2. Mr. D. White presented the petition of sundry citizens of Knox county, praying that the time of holding the county courts of said county may be changed.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee for courts of justice; and the second to a select committee of Messrs. D. White, S. Williams and Seaton.

Mr. Combs from the committee of internal improvements, to whom was referred a bill to appropriate an additional sum of money to improve Smith's shoals, and to improve the big south fork of Cumberland river, and for other purposes; also a bill to incorporate a company to construct a turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county—reported the same with amendments to each.

Which being severally twice read, were concurred in.

Ordered, That the said bills be engrossed and read a third time to-morrow.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of the petition of the Mayor and Council of Lexington; and from the petition of Jesse and Elizabeth Payne.

A message was received from the Senate, announcing their disagreement to bills which originated in this house of the following titles:

An act for the benefit of Elizabeth Chapman.

An act for the benefit of Margaret Henderson.

An act for the benefit of Mark Phillips.

The passage of bills which originated in this house, of the following titles:

An act for the benefit of Strother J. Hawkins.

An act to improve certain roads in Lewis county.

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education, or of making certain improvements in said district, and for other purposes.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act for the benefit of Isaiah Miller—with amendments to the four latter bills.

Mr. Phelps from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances, to whom was recommitted the petition of sundry citizens of the county of Hickman, praying a removal of the county seat of said county, from Clinton to the town of Columbus, and have come to the following resolution thereon:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Leave was given to bring in the following bills:

On the motion of Mr. Marshall—1. A bill to amend and reduce into one the several acts constituting a board of internal improvement for Shelby county.

On the motion of Mr. Seaton—2. A bill to repeal the sixteenth

section of an act entitled, an act to amend the revenue laws, approved December 23, 1831.

On the motion of Mr. Culp—3. A bill for the purpose of having the line between the counties of Harrison and Bracken so run as to include all the settlers on the waters of west creek in the bounds of Harrison.

On the motion of Mr. Phelps—4. A bill to alter and amend the law, regulating the mode of working the public roads within the county of Campbell.

On the motion of Mr. Colyer—5. A bill for the benefit of James Storm and John Cox.

On the motion of Mr. McClure—6. A bill to improve the state road from the city of Louisville to the state line, in a direction to Knoxville.

On the motion of Mr. Culley—7. A bill to authorise the trustees of the Hardin county Seminary to sell a certain lot, belonging to said Seminary.

On the motion of Mr. Combs—8. A bill for the benefit of the law department of Transylvania University.

On the motion of Mr. Johnson (of Livingston)—9. A bill to amend an act appointing commissioners to lay off and mark a state road from Berry's ferry, on the Ohio river, to Salem, and from Madinsonville to Salem.

On the motion of Mr. D. Morris—10. A bill allowing one additional justice of the peace to the county of Mason.

On the motion of Mr. Todd—11. A bill to incorporate the trustees of the Bowlinggreen female seminary.

On the motion of Mr. A. S. White—12. A bill establishing the Shelbyville library company.

The committee of internal improvements were directed to prepare and bring in the first and ninth; Messrs. Seaton, Parker and Marshall the second; Messrs. Culp, Garnett, Perrin and Trimble the third; Messrs. Phelps, Sayers and Jonas the fourth; Messrs. Colyer, S. Williams, Riffe and Wilson the fifth; Messrs. McClure, S. Williams, Wigginton and Riffe the sixth; Messrs. Culley, J. L. Helm and Morehead the seventh; Messrs. Combs, Tompkins, Dunlap and Marshall the eighth; Messrs. D. Morris, Parker and G. Davis the tenth; the committee of education the eleventh; and Messrs. A. S. White, Underwood, Cochran and Wortham the twelfth.

Mr. Wickliffe read and laid on the table the following joint resolution:

Resolved by the Senate and House of Representatives of the General Assembly of the Commonwealth of Kentucky, That the room on the basement story to the left hand of the entrance into the Capitol, be set apart for the use of the public library of the state.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That the Clerk carry the said resolution to the Senate and request their concurrence.

Mr. Nuttall moved the following resolution, viz:

Resolved by the House of Representatives of the Commonwealth of Kentucky, That the committee on courts of justice be instructed to enquire into the expediency of establishing orphans' courts in this Commonwealth.

Which being twice read, was adopted.

Mr. Riffe moved the following resolution, viz:

Whereas by the existing law of this Commonwealth, if the slave of one citizen kill the slave of another, and the slave having thus committed murder, be found guilty and executed, the owner of the executed slave is entitled to receive from the public Treasury his value, while the owner of the slave murdered, receives no portion of the value of his, murdered; wherefore,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency, in all such cases, of dividing between the owner of the slave murdering, and the murderer, the amount awarded, in proportion to the relative value of each.

Which being twice read, was adopted.

Mr. Ward moved the following resolution, viz:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of repealing so much of an act entitled, an act further to regulate the Bank of the Commonwealth, approved January 29th, 1830, as authorises the President and Directors of that Bank, to appoint bank agents in the judicial districts.

Which being twice read, was adopted.

Mr. Ward also moved a resolution, which being twice read and amended, was adopted in the following words:

Resolved, That the committee of ways and means enquire into the facts concerning the management of the affairs of the Commonwealth Bank, and if they find any mismanagement or improper conduct of any of its agents or officers, that the said committee report the same to this house.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. T. J. White—1. A bill to prohibit obstructions to navigable streams in this Commonwealth, by fish dams, &c.

By Mr. Wigginton—2. A bill to amend in part and repeal in part an act to incorporate a company to establish a Turnpike road from the city of Louisville by the way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the state line in a direction to Nashville.

By Mr. Marshall—3. A bill to authorise the trustees of the town of Frankfort to obtain loans of money.

By Mr. McGoodwin—4. A bill to change the name of Alonzo P. Buck.

By Mr. Grundy—5. A bill to establish an election precinct in Union county.

By Mr. A. S. White—6. A bill to establish the Shelbyville library company.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of the first, second, third, fifth and sixth bills having been dispensed with; the first and second were committed to the committee of internal improvement; the third and fifth were ordered to be engrossed and read a third time; and the sixth was committed to the committee of education.

And thereupon the rule of the house, constitutional provision, and third reading of the third and fifth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on this day, approve and sign enrolled bills which originated in the House of Representatives, of the following titles:

An act to repeal an act entitled an act to authorise the sale of Lebanon meeting house, in the county of Todd, approved December 15, 1832.

An act for the benefit of Robert Sanders.

An act for the benefit of the heirs of James Speed.

An act to establish an election precinct in Graves county.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek, in Perry county.

An act for the benefit of William M. Lane.

An act to add a part of the county of Knox to the county of Laurel.

An act to abolish certain election precincts in the county of Pike, and for other purposes.

An act to authorise the county court of Wayne to sell a small piece of ground, and for other purposes.

An act for the benefit of Elijah Barnes.

An act to authorise the board of internal improvement for Shelby county to erect a toll gate.

An act to change the bounds and place of voting in an election precinct in Bracken county.

An act to incorporate the Orphan Society of Lexington.

An act to authorise the erection of a new jail in Clarke county, and for other purposes.

An act allowing William McHargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county, and for other purposes.

An act to change the place of voting in election precincts in the counties of Hancock and Nelson.

An act to amend an act entitled, an act to establish a road from Louisville to the State line, in a direction to Knoxville, approved January 22, 1833.

An act for the benefit of the town of Colemansville.

An act to establish the town of the Stamping Ground in Scott ty.

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

And on the same day a joint resolution of the following title:

A resolution appointing a joint committee to examine the Register's Office.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house entitled, an act to establish the county of Marion,

Were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to establish a road from Harrodsburg to Taylorsville.
2. An act to authorise the Secretary of State to purchase 200 copies of Luke Munsell's Map of Kentucky, and for other purposes.

And thereupon the rule of the house, constitutional provision and second reading of said bills having been dispensed with, the former was committed to a select committee of Messrs. Cochran, A. S. White and Underwood; and the second to the committee of education.

A message was received from the Senate, announcing the adoption of a resolution from this house to appropriate the room to the left hand of the entrance into the Capitol for the use of the public library.

And the passage of bills of the following titles:

An act allowing George James Trotter a change of venue.

An act to amend an act to incorporate the Louisville and Bon-harbour coal company.

The house resumed the consideration of a bill to establish the State Bank of Kentucky, and after making some further amendments thereto.

The House adjourned.

SATURDAY, JANUARY 25, 1834.

The Speaker laid before the house, a letter from Benjamin Hensley, containing proposals for taking charge of the Penitentiary as agent and keeper thereof.

Which was received, read, and referred to the committee on the Penitentiary.

Mr. Barlow, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled, an act to establish the county of Marion—and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

1. Mr. Jonas presented the remonstrance of sundry citizens of Pendleton county, remonstrating against the passage of a bill to add a part of said county, to the county of Grant.

2. Mr. Harrison presented the petition of the widow and heirs of James Boston, deceased, praying the passage of a law to authorise a sale of the real estate of said decedent, for the purposes of effecting an equitable division, and the payment of debts.

3. Mr. Pope presented the petition of Joseph Atwell, committee of William M. Simmons, a lunatic, praying the passage of a law to authorise the sale of the real estate of said lunatic.

4. Mr. Stevenson presented the petition of sundry citizens of Georgetown, praying sundry amendments to the law establishing and regulating said town, and for the better regulation and government thereof.

5. Mr. Sterrett presented the petition of a committee appointed by the county court of Hancock, praying that a law may pass to authorise a sale of a part of the public ground in the town of Hawesville.

6. Mr. D. Morris presented the petition of Phebe Atchison and William Atchison, praying that a law may pass to authorise the sale of the interest held by the late John Atchison, in and to a small tract of land in Mason county.

7. Mr. D. White presented the petition of Joseph Pritchard, Sheriff of Knox county, praying that a law may pass to authorise him to act as a constable in said county.

Which petitions were severally received, the reading thereof dispensed with and referred; the first and fourth to the committee of propositions and grievances; the second, third, sixth and seventh to the committee for courts of justice; and the fifth to a select committee of Messrs. Sterett, J. L. Helm and S. Williams.

Mr. Phelps from the committee of propositions and grievances made the following report:

Resolved, That the petition of sundry citizens of the county of Fayette, praying the repeal of so much of the law, granting all the fines and forfeitures of the town of Athens, in said county, to Transylvania University, is reasonable.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the town of Mount Eden, in Spencer county, praying that they be allowed an additional justice of the peace and constable, and have come to the following resolution thereon:

Resolved, That said petition is reasonable.

Which being twice read, was concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolutions.

Mr. Morehead from the committee of religion, made the following report:

The committee of religion have had under consideration the petition of William Bowen, praying to be divorced from his wife, and have come to the following conclusion, that said petition be rejected.

Which being twice read, was concurred in.

Mr. Wickliffe from the committee for courts of justice, to whom was referred a bill concerning free persons of color in this Commonwealth—reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill as amended, be engrossed and read a third time on Monday next:

And that the Public Printer forthwith print 150 copies thereof, for the use of the members of this House.

Mr. Combs from the committee of internal improvements, to whom was referred a bill to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen to the state line, in a direction to Nashville—reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time on Monday next.

Mr. Combs from the same committee to whom was referred a bill from the Senate entitled, an act supplementary to an act entitled an act to remove the obstructions to the navigation of the

falls of Green river, and for other purposes, approved 2nd February, 1833—reported the same without amendment.

The said bill was then ordered to be read a third time.

The said bill was then read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Nuttall and Todd, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Austin, Barbour, Bradley, Brown, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, Dillon, Gardner, Garnett, Grundy, Hanson, Harrison, Haskin, J. L. Helm, T. J. Helm, Hinton, Hunton, Johnson of Livingston, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, Murrell, Paris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Slaughter, Sneed, Sterett, Stevenson, Todd, Tompkins, Trimble, Vanmetre, Ward, Watkins, D. White, J. P. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, and Wortham—75.

NAYS—Messrs. Allen, Barlow, Cruse, J. Davis, Duff, English, Heddleston, Henderson, Jasper, Nuttall, Shackelford, Stockton, and Stone—13.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to bills which originated in this house of the following titles:

An act for the benefit of Milly Stogdale.

An act for the benefit of Sumerville Carey.

The passage of bills which originated in this house, of the following titles:

An act to incorporate a bridge company at Falmouth.

An act for the benefit of the heirs and devisees of John Smith, deceased—with amendments to each.

And the passage of bills of the following titles:

An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

An act to amend the charter of the Bank of Louisville.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on this day, approve and sign an enrolled bill which originated in the House of Representatives, of the following title:

An act to establish the county of Marion.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

An act to amend the charter of the city of Louisville.

An act allowing George James Trotter a change of venue.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill having been dispensed with, the same was committed to the committee for courts of justice.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill for the benefit of the mechanics of the town of Covington and Newport.

By the committee of privileges and elections—2. A bill to amend the election laws of this Commonwealth.

By the committee for courts of justice—3. A bill to amend the law concerning the emancipation of slaves.

4. A bill to amend the law concerning proceedings in civil cases.

By the committee of religion—5. A bill for the benefit of Elizabeth Miller.

6. A bill for the benefit of Levina Off.

7. A bill for the benefit of Amanda Eoff.

8. A bill for the benefit of Reubin Kemp.

By the committee of internal improvement—9. A bill to amend and reduce into one the several acts, constituting boards of internal improvement for Shelby and Franklin counties.

Which bills were severally received and read the first time, and ordered to be read a second time.

Ordered, That the Public Printer forthwith print 150 copies of the third bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision, and second reading of the first, second, fifth, sixth, seventh, eighth and ninth bills having been dispensed with; the first and second were committed to the committee for courts of justice; the ninth to the committee of internal improvements; and the fifth, sixth, seventh and eighth were severally ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision, and third reading of the fifth, sixth, seventh and eighth bills having been dispensed with, and the same having been engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

An engrossed bill entitled an act to provide for the improvement of the road from Frankfort to Crab Orchard, Lincoln county—was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Nuttall and Gardner, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cochran, Colyer, Combs, Crockett, Culley, Cunningham, G. Davis, Grundy, Hanson, Harrison, Haskin, J. L. Helm, Hinton, Hunton, Jonas, Jones, Knot, McClure, Marshall, May, Merrifield, J. W. S. Mitchell, Jas. Morgan J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Sneed, Sterett, Stevenson, Todd, Tompkins, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, S. Williams, and Wilson—53.

NAYS—Messrs. Allen, Barlow, Bradley, Brown, Cheek, Clarke, Cruse, Culp, J. Davis, Dillon, Duff, English, Gardner, Heddleston, T. J. Helm, Henderson, Jasper, Johnson of Livingston, McGoodwin, R. Mitchell, Montgomery, Morehead, Nuttall, Paris, Perrin, Shackelford, Stockton, Stone, Trimble, J. P. White, J. W. Williams, and Wortham—32.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

An engrossed bill entitled an act to improve the navigation of big Sandy river—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Stevenson read and laid on the table the following joint resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That it is expedient and would be to the interest of the Commonwealth, to improve the building in the Penitentiary, agreeably to the suggestions of the Governor, in his annual message.

Resolved, That it would promote the interest of the Commonwealth, and be convenient appendages to the Penitentiary, for the residence and stable lot of Joel Scott, mentioned in his report to this house, to become the property of the state.

Mr. Stevenson moved the following resolution, viz:

Resolved by the House of Representatives, That the door keeper be, and he is hereby authorised to furnish a good clock for the use of the Representative Hall.

And the question being taken on the adoption thereof, it was decided in the negative.

An engrossed bill entitled, an act to authorise the subscription of stock on the part of the state, in the Louisville and Bardstown

Turnpike road company—was read a third time, and an engrossed clause added thereto by way of rider.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Nuttall and Wickliffe, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Byers, Cochran, Colyer, Combs, Crockett, Crow, Culley, Cunningham, G. Davis, Grundy, Hanson, Harrison, Haskin, J. L. Helm, Hinton, Hutton, Jonas, Jones, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Phelps, Pope, Ryon, Sayers, Seaton, Sneed, Sterett, Stevenson, Todd, Tompkins, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, S. Williams and Wilson—50.

NAYS—Messrs. Allen, Barlow, Bradley, Brown, Cheek, Clarke, Cruse, Culp, J. Davis, Dillon, Duff, English, Gardner, Heddeston, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Montgomery, Morehead, Nuttall, Paris, Perrin, Riffe, Shackelford, Slaughter, Stockton, Stone, Trimble, J. P. White, J. W. Williams, and Wortham—33.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

And then the House adjourned.

MONDAY, JANUARY 27, 1834.

A message was received from the Senate, announcing their disagreement to bills, which originated in this house, of the following titles:

An act for the benefit of Thomas Welch.

An act for the benefit of Polly Masters.

And the passage of bills of the following titles:

An act to encourage the manufacture of Queensware.

An act to appropriate some of the vacant lands of this state to the improvement of the highways thereof.

An act allowing an additional constable to the county of Gallatin.

An act to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831.

1. Mr. Riffe presented the petition of George B. Gibbins, praying a divorce from his wife, Rhoda, late Rhoda Lyon.

2. Mr. Irvine presented the petition of sundry citizens residing west of the Tennessee river, praying an appropriation of land to

be applied to removing obstructions to the navigation of Blood river.

3. Mr. Haskin presented the petition of William A. Taylor, praying a divorce from his wife, Francis T. Taylor.

4. Mr. Byers presented the petition of the Mayor and Council of the city of Maysville, praying certain amendments to the charter incorporating said city.

5. Mr. Bradley presented the petition of sundry citizens of Hopkins county, praying the passage of a law to authorise the appointment of an additional constable in said county.

Which petitions were severally received, read and referred; the first and third to the committee of religion; the second and fifth to the committee of propositions and grievances; and the fourth to the committee for courts of justice.

The amendments proposed by the Senate to a bill which originated in this house entitled,

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education, or of making certain improvements in said district, and for other purposes.

Were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled,

An act supplementary to an act entitled, an act to remove the obstructions to the navigation of the falls of Green river, and for other purposes, approved February 2, 1833—and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of the petitions of Joseph Pritchard, and Phebe Atchison; also from the consideration of a resolution directing said committee to enquire into the propriety of allowing reasonable compensation to Elisha Green, Sheriff of Harlan county, for his services and expenses in going twice to the state of Tennessee, for George Rowland, charged with a felonious offence; and that the same be referred to the committee of claims.

Mr. Combs from the committee of internal improvements, to whom was referred a bill to amend and reduce into one the several acts constituting boards of internal improvements for Shelby and Franklin counties; also a bill to incorporate the Danville, Lancaster and Nicholasville Turnpike road company—reported the former without, and the latter with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of the former bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Combs from the select committee to whom was referred a bill to regulate the terms of certain Circuit Courts, and for other purposes—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Marshall from the committee of education, to whom was referred a bill from the Senate entitled, an act to authorise the Secretary of State to purchase 200 copies of Luke Munsell's improved Map of Kentucky, and for other purposes—reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the said bill, as amended, be read a third time to-morrow.

Mr. Marshall from the same committee, to whom was referred a bill to establish the Shelbyville library company—reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time.

And thereupon the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee for courts of justice—1. A bill for the benefit of Simeon, a negro man slave of Charles Roseberry.

2. A bill regulating the mode of settling the accounts of executors, administrators and guardians.

By the committee of ways and means—3. A bill giving further

time to Sheriffs in this Commonwealth to file their delinquent lists.

By the committee of internal improvement—4. A bill to amend an act entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madisonville to Salem, approved January 22, 1830.

By the committee of education—5. A bill to incorporate the Bowlinggreen female seminary.

By Mr. Hanson—6. A bill for the benefit of the heirs of John Gray, deceased.

By Mr. Alsop—7. A bill to establish a flour inspection in the city of Louisville.

Which bills were severally received and read the first time, and ordered to be read a second time.

Ordered, That the Public Printer forthwith print 150 copies of the second bill for the use of the members of this house.

And thereupon the rule of the house, constitutional provision and second reading of the first third, fourth, fifth, sixth and seventh bills having been dispensed with; the first, third, fourth, fifth and sixth bills were severally ordered to be engrossed and read a third time; and the seventh was committed to the committee for courts of justice.

And thereupon the rule of the house, constitutional provision and third reading of the first, third, fourth and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Ordered, That a bill to establish the State Bank of Kentucky, be laid on the table.

Ordered, That the resolution offered by Mr. Wickliffe in relation to the removal of the Public Deposites of the United States, from the Bank of the United States, be recommitted to a select committee of Messrs. Wickliffe, Combs, Wigginton, J. L. Helm and Jonas.

The amendments proposed by the Senate, to bills which originated in this house of the following titles, were twice read and concurred in, viz:

An act appropriating certain lands for improving certain roads in Harlan county.

An act to build a bridge across Jillico river.

An act to amend the acts concerning the town of Shepherdsville.

An act to improve certain public roads in Lewis county.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act to incorporate a bridge company at Falmouth.

An act for the benefit of the heirs and devisees of John Smith, deceased.

An act for the benefit of Isaiah Miller.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled an act to incorporate the Richmond and Lexington Turnpike road company—was read a third time, and an engrossed clause added thereto by way of rider.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The yeas and nays being required on the passage of said bill by Messrs. Allen and Shackelford, were as follows, viz:

YEAS—Messrs. Alsop, Brown, Cheek, Coffman, Colyer, Combs, Crockett, Crow, Cruse, Culley, Cunningham, G. Davis, J. Davis, Duff, Grundy, Hanson, J. L. Helm, Hinton, Hunton, Johnson of Scott, Jonas, Jones, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, D. Morris, Murrell, Parker, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Tompkins, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton and S. Williams—51.

NAYS—Messrs. Allen, Barlow, Bradley, Calvert, Clarke, Cochran, Culp, English, Gardner, Garnett, Heddleston, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, Montgomery, Morehead, Jas. Morgan, Nuttall, Paris, Perrin, Stone, Trimble, J. P. White, J. W. Williams, and Wortham—27.

An engrossed bill entitled, an act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Gergetown, to Lexington, in Fayette county—was read a third time, and an engrossed clause added thereto by way of rider.

Resolved, That said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Allen and Jonas, were as follows, viz:

YEAS—MR. SPEAKER, Messrs. Alsop, Austin, Byers, Cheek, Coffman, Colyer, Combs, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, Garnett, Grundy, Hanson, J. L. Helm, Hinton, Hunton, Johnson of Scott, Jonas, Jones, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, J. S. Morgan, Murrell, Parker, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Tompkins, Trimble, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, and S. Williams—51.

NAYS—Messrs. Allen, Barlow, Bradley, Calvert, Clarke, Cochran, Cruse, J. Davis, Dillon, Duff, English, Gardner, Heddleston, T. J. Helm, Jasper, Johnson of Livingston, McClure, McGoodwin, R. Mitchell, Montgomery, Morehead, Jas. Morgan,

Nuttall, Paris, Riffe, Stone, J. P. White, J. W. Williams, and Wortham—29.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following engrossed bills were severally read a third time.

1. An act to improve the navigation of Trade water river.

2. An act supplementary to an act entitled, an act to appropriate a sum of money for the purposes of improving the navigation of the Cumberland river, at Smith's shoals, and the big South fork of said river, up to the Coal banks.

3. An act to amend the law concerning alimony.

The first was recommitted to a select committee of Messrs. Grundy, G. Morris, Crow and McGoodwin.

Resolved, That the second and third bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to amend an act to incorporate the Louisville and Bonharbour coal company.

2. An act authorising the erection of a bridge across main Licking river, in Harrison county.

3. An act repealing the fourth section of an act entitled, an act to change the time of holding certain courts in the seventh judicial district, approved January 25, 1827.

4. An act to amend an act, making an appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, the first was committed to the committee for courts of justice; the second to a select committee of Messrs. Trimble, D. Morris, Perrin, Jonas and Culp; the fourth to the committee of internal improvement; and the third was ordered to be read a third time.

And thereupon the rule of the house, constitutional provision and third reading of the third bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing that the Senate had received official information that the Governor did on this day approve and sign an enrolled bill which originated in the Senate entitled,

An act supplemental to an act entitled, an act to remove the obstructions to the navigation of the falls of Green river, and for other purposes, approved February 2, 1833.

An engrossed bill entitled an act for the benefit of William Mayo—was read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Trimble and ———, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, L. Anderson, Byers, Cochran, Combs, Crockett, Cruse, Culley, Cunningham, G. Davis, Gardner, Hanson, Heddleston, J. L. Helm, Hunton, Johnson of Livingston, Jonas, Jones, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, Murrell, Nuttall, Parker, Phelps, Pope, Riffe, Seaton, Shackelford, Sneed, Sterett, Tompkins, Ward, Watkins, Wickliffe and Wigginton—38.

NAYS—Messrs. Austin, Barlow, Bradley, Brown, Calvert, Cheek, Clarke, Coffman, Colyer, Culp, J. Davis, Dillon, Duff, Grundy, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Knot, McClure, May, Montgomery, Morehead, J. S. Morgan, D. Morris, Paris, Perrin, Ryon, Sayers, Stevenson, Stone, Trimble, D. White, J. P. White, J. W. Williams and S. Williams—37.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

And then the House adjourned.

TUESDAY, JANUARY 28, 1834.

Mr. Gardner from the majority on the vote by which an engrossed bill entitled, an act for the benefit of William Mayo, was passed, moved a reconsideration of said vote.

Mr. Wickliffe called for the reading of the petition and accompanying documents, and was proceeding to discuss the propriety of reconsidering said vote—when it was objected to that it was out of order, to call for the reading of a paper or discuss the subject on a mere motion of reconsideration, as the merits of the bill were not by the rules of the house open for discussion on such motion.

The Speaker declared a discussion of the merits of the bill or reading the petition or papers on a motion for reconsideration out of order.

From which decision of the chair, Mr. Wickliffe appealed to the house.

The question was then put—Is the decision of the chair correct? which was decided in the affirmative.

The question was then taken on reconsidering said vote, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gardner and Barlow, were as follows, viz:

YEAS—MR. SPEAKER, Messrs. Alsop, Austin, Barlow, Bradley, Brown, Calvert, Cheek, Clarke, Cochran, Coffman, Crow, Culley, Culp, J. Davis, Dillon, Duff, Gardner, Garnett, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jones, Knot, McClure, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, Nuttall, Perrin, Ryon, Sayers, Sneed, Stevenson, Stockton, Stone, Trimble, Underwood, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams and Wortham—53.

NAYS—Messrs. A. Anderson, L. Anderson, Combs, Crockett, Cruse, Cunningham, G. Davis, Dunlap, Hanson, Heddleston, Hunton, Jonas, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, G. Morris, Murrell, Parker, Phelps, Pope, Riffe, Shackleford, Slaughter, Sterett, Todd, Ward, Watkins, T. J. White, Wickliffe and Wigginton—31.

Mr. English then moved to postpone the further consideration of said bill until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gardner and Calvert, were as follows, viz:

YEAS—Messrs. Austin, Barlow, Bradley, Calvert, Cheek, Coffman, Colyer, Culp, J. Davis, Dillon, Duff, English, Gardner, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, Paris, Perrin, Stone, Trimble, Underwood, D. White, J. P. White, J. W. Williams, and S. Williams—36.

NAYS—MR. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Brown, Byers, Clarke, Cochran, Combs, Crockett, Crow, Cruse, Culley, Cunningham, G. Davis, Dunlap, Garnett, Grundy, Hanson, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hunton, Johnson of Scott, Jonas, Jones, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, G. Morris, Murrell, Nuttall, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Vanmetre, Ward, Watkins, A. S. White, T. J. White, Wickliffe, Wigginton and Wortham—57.

The said bill was then recommitted to a select committee of Messrs. Hanson, G. Davis, Anderson (of Green) Trimble and G. Morris.

A message was received from the Senate, requesting permission to withdraw a bill which originated in this house entitled,

An act to change the name of Wesley Blake—and the report rejecting the same.

Resolved, That the said bill be sent accordingly.

Mr. Stevenson presented the petition of sundry citizens of Scott county, praying the passage of a law to authorise the construction of a Turnpike road from Georgetown to some point on the line of the Lexington and Ohio Rail Road.

Which was received, read, and referred to the committee of internal improvements.

The following engrossed bills were severally read a third time:

1. An act to repeal the fourth section of an act entitled, an act further to regulate the Wilderness and Turnpike road, approved January 11, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

2. An act to amend in part and repeal in part an act to incorporate the company to establish a Turnpike road from the city of Louisville by way of the mouth of Salt river to Elizabethtown, Munfordsville and Bowlinggreen, to the state line in a direction to Nashville.

3. An act concerning free persons of color in this Commonwealth.

4. An act to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

5. An act to incorporate the Bowlinggreen female seminary.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the fourth bill by Messrs. Gardner and J. W. S. Mitchell were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Byers, Coffman, Colyer, Crockett, Culley, Cunningham, G. Davis, Dunlap, Grundy, Hanson, J. L. Helm, Hinton, Hunton, Irvine, Johnson of Scott, Jonas, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, J. S. Morgan, G. Morris, Parker, Phelps, Pope, Riffe, Ryon, Sayres, Seaton, Sneed, Sterett, Stevenson, Tompkins, Vanmetre, Ward, Watkins, D. White, T. J. White, Wickliffe, S. Williams and Wigginton—45.

NAYS—Messrs. Austin, Barlow, Bradley, Cheek, Clarke, Cochran, Crow, Culp, J. Davis, Dillon, Duff, English, Gardner, Hedleston, T. J. Helm, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, R. Mitchell, Montgomery, Morehead, Jas. Morgan, Murrell, Paris, Perrin, Shackelford, Stockton, Stone, Trimble, Underwood, A. S. White, J. P. White, J. W. Williams and Wortham—36.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

And then the House adjourned.

WEDNESDAY, JANUARY 29, 1834.

The resolution moved by Mr. Davis (of Montgomery,) fixing on 9 o'clock, A. M. as the hour at which the house shall meet for the remainder of the session, was taken up, twice read and adopted.

1. Mr. Pope presented the petition of Henry Crist, praying the passage of a law to authorise him to survey and patent two entries for land lying in the county of Bullitt.

2. Mr. Wigginton presented the petition of the administrators of Richard Hall, deceased, praying the passage of a law to authorise the sale of the real estate of the decedent, for the payment of debts.

3. Mr. Stockton presented the petition of the administrator and guardian of the infant heirs of Joseph Ferguson, deceased, praying the passage of a law to authorise the sale of a tract of land in Fleming county.

4. Mr. Hinton presented the petition of sundry citizens of Davis county, praying that a law may pass to change the place of holding elections in a precinct in said county.

5. Mr. Underwood presented the petition of sundry citizens of Shelby county, praying the passage of a law to exempt the citizens of said county from the payment of toll in passing on the Turnpike roads of said county.

6. Mr. Anderson (of Green) presented the petition of Rebecca Lewis, praying a divorce from her husband, George W. Lewis.

7. Mr. Wickliffe presented the petition of William Buford, administrator of Dudley, a free man of color, who lately departed this life in Franklin county, without legal issue, praying the passage of a law in favor of Dudley, a natural son of the decedent, authorising him to inherit the estate of the decedent.

Which petitions were severally received, the reading thereof dispensed with and referred; the first, third and seventh to the committee for courts of justice; the second to a select committee of Messrs. Wigginton, L. Anderson and Alsop; the fourth to the committee of propositions and grievances; the fifth to the committee of internal improvements; and the sixth to the committee of religion.

A message was received from the Senate, announcing the passage of a bill entitled, an act changing the time of holding the Logan County Court.

And of a bill entitled, an act to encourage the publication of a new Digest of the statute laws of Kentucky.

Mr. Nuttall from the committee of privileges and elections, made the following report:

The committee of privileges and elections have, according to order, had under consideration the returns of all the members re-

turned to serve in this House, during the present session, and from the best information they have been able to obtain, hereby report:

That the following gentlemen are returned as duly elected to serve as members of the House of Representatives in this General Assembly, viz:

From the county of Adair, Francis Montgomery; from the county of Allen, Robert H. Paris; from the county of Anderson, Thomas J. White; from the county of Bourbon, Garrett Davis and John Cunningham; from the county of Bracken, John Culp; from the county of Bullitt, George F. Pope; from the county of Bath, Samuel Stone; from the county of Barren, Samuel Murrell and Thomas J. Helm; from the counties of Breckenridge and Hancock, William Sterett; from the county of Boone, Jeremiah Garnett; from the counties of Butler and Edmonson, John P. Austin; from the county of Campbell, Jefferson Phelps and William Sayers; from the county of Caldwell, David W. McGoodwin; from the county of Cumberland, William Cheek; from the county of Christian, James C. Clarke and Joseph B. Crockett; from the county of Clarke, Samuel Hanson and John B. Ryon; from the counties of Clay and Harlan, Hiram Jones; from the counties of Calloway and McCracken, John Irvine; from the county of Casey, George C. Riffe; from the county of Davies, John B. Hinton; from the counties of Estill and Perry, Henry Duff; from the county of Fleming, Dorsey K. Stockton and John Heddleston; from the county of Franklin, John J. Marshall; from the county of Fayette, Gwyn R. Tompkins, Leslie Combs and John R. Dunlap; from the counties of Floyd and Pike, Samuel May; from the county of Garrard, Alexander Sneed; from the county of Green, Alfred Anderson and John P. White; from the county of Greenup, Samuel Seaton; from the county of Gallatin, Samuel S. English; from the counties of Graves and Hickman, Levi Calvert; from the counties of Grant and Pendleton, Abraham Jonas; from the county of Grayson, Charles Wortham; from the county of Harrison, John Trimble and Solomon C. Perrin; from the counties of Hardin and Meade, John L. Helm, John S. Culley and William Conway; from the county of Hart, James M. Gardner; from the county of Hopkins, Charles Bradley; from the county of Henderson, George Morris; from the county of Henry, Benjamin Allen and Elijah F. Nuttall; from the county of Jefferson, Larz Anderson and Charles L. Harrison; from the city of Louisville, Walker Alsop and Mortimer R. Wigginton; from the county of Jessamine, J. W. S. Mitchell; from the counties of Knox and Whitley, Dempsey White; from the counties of Lawrence and Morgan, Joseph R. Ward; from the county of Lincoln, Logan Hutton and Adam Wilson; from the county of Lewis, Thomas Henderson; from the county of Livingston, William Johnson; from the county of Logan, Presley Morehead and

Richard B. Slaughter; from the counties of Laurel and Rockcastle, Charles Colyer; from the county of Mason, Winslow Parker, David Morris and James Byers; from the county of Monroe, John S. Barlow; from the county of Mercer, James Morgan and Joseph Haskin; from the county of Madison, Edmund L. Shackelford and Andrew Cruse; from the county of Montgomery, Charles S. Gatewood and Josiah Davis; from the county of Muhlenburg, John F. Coffman; from the county of Nelson, Charles A. Wickliffe and William J. Merrifield; from the county of Nicholas, John S. Morgan; from the county of Oldham, Philip C. S. Barbour; from the county of Ohio, Elijah Crow; from the county of Owen, Thomas B. Dillon; from the county of Pulaski, Thomas Jasper; from the county of Russell, Nathan McClure; from the county of Shelby, Andrew S. White and Isham T. Underwood; from the county of Scott, Job Stevenson and William Johnson; from the county of Simpson, John W. Williams; from the county of Spencer, John Cochran; from the county of Todd, Richard B. New; from the county of Trigg, Isaac Burnett; from the county of Union, William Grundy; from the county of Warren, Jacob Vanmetre and John F. Todd; from the county of Woodford John Watkins; from the county of Washington, Peter Brown, Joseph P. Knot and Robert Mitchell; and from the county of Wayne, Sherrod Williams.

Mr. Wickliffe from the committee for courts of justice to whom was referred a bill to compel the Sheriffs to return certificates of the election of members of the Senate and House of Representatives—reported the same with an amendment,

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Wickliffe from the committee for courts of justice to whom was referred a bill from the Senate entitled, an act to amend an act to incorporate the Louisville and Bonharbour coal company—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be read a third time.

The said bill was then read a third time.

It was then moved and seconded to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gardner and Wigginton, were as follows, viz:

YEAS—Messrs. Barlow, Bradley, Cheek, Clarke, Cochran, Colyer, Cruse, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Gardner, Garnett, Grundy, Hanson, Heddleston, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Ryon, Sayers, Shackelford, Sneed, Stevenson, Stockton, Stone, Trimble, Underwood, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, J. W. Williams and S. Williams—56.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Austin, Calvert, Coffman, Crockett, Crow, Culley, English, J. L. Helm, T. J. Helm, Hinton, Hunton, Irvine, Knot, McGoodwin, Marshall, Merrifield, Morehead, Pope, Riffe, Seaton, Slaughter, Sterett, Tompkins, Vanmetre, Wickliffe, Wigginton and Wortham—31.

Mr. Cochran from the select committee to whom was referred a bill from the Senate entitled, an act to establish a road from Harrodsburg to Taylorsville—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be read a third time.

The said bill was then a read time.

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate and request their concurrence in the said amendment.

Mr. Wickliffe from the committee for courts of justice to whom was referred a bill from the Senate entitled, an act allowing George James Trotter a change of venue—reported the same with amendments.

Which being twice read, the first was concurred in, and the second disagreed to.

Mr. Wickliffe then moved further to amend said bill by striking out the county of Spencer, wherever it occurs in the bill, and to insert in lieu thereof the county of Shelby, so as to grant the change of venue to the county of Shelby.

A division of the question was called for, and the question was put on striking out the county of Spencer, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Tompkins, were as follows, viz:

YEAS—Messrs. Brown, Cheek, Cochran, Colyer, Cunningham, G. Davis, J. Davis, Grundy, McClure, McGoodwin, J. W. S.

Mitchell, J. S. Morgan, G. Morris, Murrell, Parker, Riffe, Shackelford, Slaughter, Sneed, Stockton, Todd, Vanmetre, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—28.

NAYS—Messrs. L. Anderson, Austin, Barlow, Bradley, Byers, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, Dillon, Duff, Dunlap, English, Gardner, Garnett, Hanson, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Knot, Marshall, May, Merrifield, R. Mitchell, Montgomery, Morehead, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Sterett, Stevenson, Stone, Tompkins, Trimble, Underwood, Ward, Watkins, A. S. White, J. P. White and T. J. White—57.

The said bill was then read a third time.

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Crockett and Wickliffe, were as follows, viz:

YEAS—Messrs. L. Anderson, Austin, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Coffman, Colyer, Crow, Cruse, Culley, Culp, J. Davis, Dillon, Duff, Dunlap, English, Gardner, Garnett, Hanson, Haskin, J. L. Helm, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Shackelford, Slaughter, Sterett, Stevenson, Stone, Todd, Tompkins, Trimble, Underwood, Ward, Watkins, A. S. White, J. P. White, T. J. White and J. W. Williams—68.

NAYS—Messrs. Brown, Cochran, Crockett, Cunningham, G. Davis, Grundy, Heddleston, Hinton, McClure, G. Morris, Seaton, Sneed, Stockton, D. White, Wickliffe, Wigginton, S. Williams and Wortham—18.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence in said amendments.

Mr. Phelps from the committee of Propositions and grievances, reported a bill to regulate the town of Mount Eden, in Spencer county, and for other purposes.

Which was received and read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative.

And so the said bill was rejected.

And the House then adjourned.

THURSDAY, JANUARY 30, 1834.

The Speaker laid before the House the remonstrance of John U. Waring, against the passage of a bill authorising Levi Jones to withdraw the will of Richard Jones Waters from the County Court of Jefferson.

Which was received, read, and laid on the table.

1. Mr. Hanson presented the petition of John H. Combs, praying a divorce from his wife, Miranda Combs.

2. Mr. J. S. Morgan presented the petition of Malinda R. Devers, praying a divorce from her husband, William P. Devers.

3. Mr. G. Morris presented the petition of John Cameon, praying a divorce from his wife, Mary, late Mary Wilson.

4. Mr. Alsop presented the petition of James Buchanan, an alien, praying the passage of a law to authorise him to receive and make conveyance of real estate in this state.

Which were severally received, the reading thereof dispensed with and referred; the first, second and third to the committee of religion; and the fourth to the committee for courts of justice.

Mr. Combs moved the following resolutions, viz:

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of giving power to the Mayor of the city of Lexington, to have vagrants tried by a jury before him, instead of sending them to the Circuit Court.

Resolved, That said committee enquire into the expediency of authorising the Mayor and Council of the said city, to tax venders by retail, of playing cards, and of imposing such restrictions upon them as the public good may require.

Which being twice read, were adopted.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles, and had found the same truly enrolled.

An act to establish a bridge at Falmouth.

An act to build a bridge across Jillico river, in Whitley county.

An act appropriating certain lands for improving certain roads in Harlan county.

An act to improve certain public roads in Lewis county.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act for the benefit of the heirs and devisees of John Smith, deceased.

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purposes of education.

An act to amend the acts concerning the town of Shepherdsville.

An act for the benefit of Isaiah Miller.

An act for the benefit of Strother J. Hawkins.

A resolution to appropriate the room to the left hand of the entrance into the Capitol for the use of the public library.

An act to repeal the fourth section of an act to change the time of holding certain courts in the seventh judicial district, approved January 25, 1827.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to a bill which originated in this house entitled, an act for the benefit of Bennet B. Jones.

The passage of a bill which originated in this house entitled, an act to repeal an act, approved January 14, 1833, entitled, an act to authorise the trustees of the Newport Seminary, to sell their donation lands, and for other purposes—with amendments.

Their concurrence in a resolution from this house, appointing a committee to digest the militia laws of this state.

The passage of bills of the following titles:

An act to incorporate the Blue Spring Seminary, in Barren county.

An act to amend the act entitled, an act providing for the opening of a road from Taylorsville, in Spencer county, to Jefferson-town, in Jefferson county, and for other purposes, approved January 31, 1833.

And the adoption of a resolution to procure certain surveys of the rivers in this Commonwealth.

Mr. Phelps from the committee of propositions and grievances, made a report:

The committee of propositions and grievances have, according to, order had under consideration the petition of sundry citizens of the county of Livingston, praying the establishment of an election precinct in said county, and have come to the following resolution thereon:

Resolved, That said petition is reasonable.

Which being twice read, was concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to said resolution.

On the motion of Mr. Hanson—

Ordered, That the committee of ways and means be discharged from the further consideration of a resolution instructing them to enquire into the expediency of allowing those debtors to the Commonwealth Bank, who make their debts secure by good and approved security, further time to make payment.

Mr. Combs from the committee of internal improvements, to whom was referred a bill from the Senate entitled, an act to amend an act making an appropriation to aid in the repair of the

Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831—reported the same without amendment.

The said bill was then ordered to be read a third time.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill for the benefit of Robert Ferguson.

2. A bill to change the place of holding the election in the Gore precinct, in Daviess county, and for other purposes.

By the committee of religion—3. A bill for the benefit of William Spurlock.

By the committee of ways and means—4. A bill to amend the act entitled, an act further to regulate the Bank of the Commonwealth, approved January 29, 1830.

By the committee of internal improvement—5. A bill to incorporate the Georgetown and Rail Road Turnpike company.

By Mr. S. Williams—6. A bill for the benefit of James Storm and John Cox.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second readings of said bills having been dispensed with; the first, second, third and sixth were severally ordered to be engrossed and read a third time; the fourth (an amendment in lieu thereof having been offered) was laid on the table; and the fifth was committed to the committee of internal improvement.

Ordered, That the Public Printer forthwith print 150 copies of the fourth bill and of the amendment offered thereto, for the use of the members of this house.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, second, third, and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The amendments proposed by the Senate to a bill which originated in this house entitled, an act to repeal an act, approved January 14, 1833, entitled an act to authorise the trustees of the Newport seminary to sell their donation lands, and for other purposes.

Which being twice read, was concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grundy from the select committee to whom was referred a bill to improve the navigation of Trade water river—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill as amended, ordered to be engrossed and read a third time.

The said bill having been engrossed, was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to amend an act entitled, an act to add a part of the land of Richard Forrest to the town of Lebanon, approved Nov. 15, 1831, and for other purposes.

2. An act to encourage the publication of a new Digest of the statute law of Kentucky.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first was ordered to be read a third time; and the second was committed to the committee for courts of justice.

And the rule of the house, constitutional provision, and third reading of the first bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, an act to amend and reduce into one the several acts concerning private passways—was read a third time, and an engrossed clause added thereto by way of rider.

Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, the words "in certain counties."

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A bill from the Senate entitled, an act to authorise the Secretary of state to purchase 200 copies of Luke Munsell's improved Map of Kentucky, and for other purposes—was read a third time as amended.

Resolved, That the said bill, as amended, do pass.

The yeas and nays being required on the passage of said bill by Messrs. Gardner and ———, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Byers, Cheek, Cochran, Colyer, Combs, Crockett, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Dunlap, Hanson, Heddlestone, J. L. Helm, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, McGoodwin, May, Merrifield, J. W. S. Mitchell,

J. S. Morgan, G. Morris, Phelps, Pope, Ryon, Slaughter, Stevenson, Stockton, Tompkins, Trimble, Ward, Watkins, T. J. White, Wickliffe and Wigginton—43.

NAYS—Messrs. Allen, Barlow, Brown, Calvert, Clarke, Coffman, Crow, Cruse, Duff, English, Gardner, Garnett, Grundy, Harrison, Haskin, Henderson, Hinton, Jasper, Knot, McClure, Morehead, Jas. Morgan, Murrell, Nuttall, Paris, Parker, Riffe, Sayres, Seaton, Shackelford, Sneed, Sterett, Stone, Todd, Underwood, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams and Wortham—41.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

A bill to allow an additional justice of the peace to Lewis county—was ordered to be engrossed as amended, and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended to read "an act to allow additional justices of the peace and constables to certain counties."

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

The amendments proposed by the committee for courts of justice to a bill concerning the liabilities and duties of executors, administrators and guardians,

Were taken up, twice read and concurred in.

And the said bill as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass and that the title thereof be "an act concerning the liabilities and duties of executors and administrators."

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

On motion—

Ordered, That a bill to incorporate a company to Turnpike the road from Frankfort to the mouth of big Sandy river, by way of Georgetown, Paris, Carlisle, Flemingsburgh and Greenupsburgh—be committed to the committee of internal improvements.

Leave was given to bring in the following bills:

On the motion of Mr. Hanson—1. A bill to incorporate the Winchester and Lexington Turnpike company.

On the motion of Mr. Wortham—2. A bill to establish a state

road from the mouth of Salt river, to Bowlinggreen, by way of the Grayson springs.

On the motion of Mr. Pope—3. A bill to amend the charter of the Shepherdsville and Louisville Turnpike road company.

The committee of internal improvement were directed to prepare and bring in the first and third bills; and Messrs. Wortham, Wigginton, J. L. Helm and Vanmetre the second.

Mr. J. S. Morgan moved the following resolution, viz:

Resolved, That the committee on internal improvements be instructed to enquire into the expediency and propriety of improving the navigation of main Licking river, from its mouth to the mouth of Slate, in Bath county, and that they be authorised to report by bill or otherwise.

Which being twice read, was adopted.

And then the House adjourned.

FRIDAY, JANUARY 31, 1834.

1. Mr. Crow presented the petition of sundry citizens of Todd county, praying the passage of a law to authorise the appointment of a constable, to reside in or near the town of Elkton.

2. Mr. Pope presented the petition of Solomon Hornbeck, praying the passage of a law to authorise the sale of the interest held by his infant children, in and to a tract of land and some slaves, to which they are entitled by descent from their grandfather, Robert Shanklin.

3. Mr. White (of Anderson) presented the petition of John Payne, praying a divorce from his wife, Nancy Payne.

4. Also the petition of sundry citizens of Anderson county, praying the passage of a law, to appropriate a sum of money to clearing out the obstructions to the navigation of Salt river.

Which petitions were severally received, the reading thereof dispensed with, and referred; the first to the committee of propositions and grievances; the second to the committee for courts of justice; the third to the committee of religion; and the fourth to the committee of internal improvement.

Mr. Morehead from the committee of religion, made the following report:

The committee of religion have, according to order had under consideration the petition of George B. Gibbon, praying a divorce, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

W

By the committee of religion—1. A bill for the benefit of Ma-linda R. Devers.

By Mr. McClure—2. A bill to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee state line, in a direction to Knoxville.

By Mr. Culley—3. A bill to authorise the trustees of the Har-din Seminary, to sell lot, No. 31, in the town of Elizabeth, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first and third bills were ordered to be engrossed, and read a third time; and the second was committed to the committee of internal improvement.

And the rule of the house, constitutional provision, and third reading of the first and third bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on the 30th inst. approve and sign enrolled bills which originated in the House of Representatives, of the following titles:

An act to amend the acts concerning the towns of Shepherds-ville and Elizabethtown.

An act for the benefit of Isaiah Miller.

An act appropriating certain lands for improving certain roads in Harlan county.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act for the benefit of Strother J. Hawkins.

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purpose of education.

An act to establish a bridge at Falmouth.

An act to build a bridge across Jillico river, in Whitley county.

An act to improve certain public roads in Lewis county.

An act for the benefit of the heirs and devisees of John Smith, deceased.

And a joint resolution entitled,

A resolution to appropriate the room to the left hand of the entrance into the Capitol for the use of the public library.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this house to a bill from the Senate entitled,

An act authorising the Secretary of State to purchase 200 copies of Luke Munsell's improved Map of Kentucky.

And the passage of bills of the following titles:

An act to establish the Bank of Kentucky.

An act to establish a state road from Frankfort, to King's ferry, on the Ohio river, by the way of Newcastle.

An act to amend the law in relation to the erection of a bridge across Rockcastle river.

Mr. Wickliffe from the select committee to whom was referred the preamble and resolutions offered by Mr. Wickliffe in relation to the removal of the Public Deposites of the United States, from the Bank of the United States—reported the same with sundry amendments.

It was then moved and seconded to lay the said resolutions on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crow and S. Williams, were as follows, viz:

YEAS—Messrs. A. Anderson, L. Anderson, Barlow, Bradley, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, Dillon, English, Gardner, Grundy, Harrison, Haskin, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Phelps, Pope, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White and T. J. White—39.

NAYS—Mr. SPEAKER, Messrs. Alsop, Austin, Brown, Byers, Cheek, Cochran, Colyer, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—50.

Several amendments reported by said committee, having been concurred in:

Mr. S. Williams then moved to postpone the further consideration of said resolutions and remaining amendments, until the first day of June next.

And after some discussion thereon,

The House adjourned.

SATURDAY, FEBRUARY 1, 1834.

A message was received from the Senate, announcing the passage of a bill entitled, an act to incorporate the Bank of Maysville.

And the passage of a bill which originated in this house entitled, an act to extend the boundary and jurisdiction of the trustees of the town of Paducah.

1. Mr. Morehead presented the petition of sundry citizens of Todd county, praying the adoption of a memorial by the Legislature of this state, to the Legislature of the state of Louisiana, requesting a change and modification of the inspection laws of that state, in relation to the inspection and classification of Tobacco, exported to that state for sale.

2. Mr. J. S. Morgan presented the petition of the heirs of John Gohegan, deceased, praying the passage of a law to authorise the sale of a tract of a land devised to them, so as to enable them to effect a just and equitable division of the same.

3. Mr. Ward presented the petition of Thomas Nickle, praying a divorce from his wife, Sally Nickle.

4. Mr. May presented the petition of the heirs of Samuel May, deceased, praying that a law may pass to authorise the sale of certain real estate, belonging to the decedents estate.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee of propositions and grievances; the second to a select committee of Messrs. J. S. Morgan, Stockton and G. Davis; the third to the committee of religion; and the fourth to the committee for courts of justice.

Leave was given to bring in the following bills:

On the motion of Mr. Johnson (of Livingston)—1. A bill for the benefit of the Cumberland Hospital.

On the motion of Mr. Hanson—2. A bill to establish and regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct in Estill county.

On the motion of Mr. Underwood—3. A bill to change the place of voting at Christiansburg, Shelby county.

On the motion of Mr. Coffman—4. A bill to provide for the appointment of commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act approved February 2nd, 1833.

Also—5. A bill to improve the navigation of Pond river, and for other purposes.

On the motion of Mr. Harrison—6. A bill to authorise the county court of Jefferson, to dispose of the public property in said county.

On the motion of Mr. Helm—7. A bill for the benefit of William B. Cook, of Barren county.

On the motion of Mr. Nuttall—8. A bill for the benefit of the 38th Regiment of Kentucky Militia, and for other purposes.

On the motion of Mr. Seaton—9. A bill to amend the law regulating divorces.

On the motion of Mr. May—10. A bill to provide for the payment of grand jurors in this Commonwealth.

On the motion of Mr. Helm—11. A bill to repeal and amend in part an act entitled, an act appropriating 6000 acres of vacant land, for the purpose of building a public seminary in the town of Brandenburg.

Also—12. A bill supplemental to an act passed, entitled, an act to establish the county of Marion.

On the motion of Mr. G. Davis—13. A bill for the benefit of Thomas Brand.

On the motion of Mr. Helm—14. A bill to change the time of holding Circuit Courts in Meade county.

Also—15. A bill for the benefit of Mary T. Singleton.

On the motion of Mr. Calvert—16. A bill for some appropriation for the country west of the Tennessee, for internal improvement.

On the motion of Mr. Ward—17. A bill to amend an act entitled, "an act to compel the speedy adjustment of land claims," approved February 9, 1809.

On the motion of Mr. Paris—18. A bill to build a bridge over Barren river, on the stage road from Lexington to Nashville.

On the motion of Mr. J. P. White—19. A bill allowing to Green county, two additional constables.

On the motion of Mr. Gatewood—20. A bill to abolish the February chancery term of the Montgomery Circuit Court.

On the motion of Mr. Hanson—21. A bill to regulate the number of justices of the peace in Clarke county, and to authorise an additional constable's district in said county.

On the motion of Mr. A. S. White—22. A bill instructing the Cashier of the Commonwealth's Bank, to credit the account of the Treasury in said Bank, up to the tenth day of October next.

On the motion of Mr. Cheek—23. A bill to change the laws concerning election precincts.

On the motion of Mr. Anderson—24. A bill for the benefit of Jeffersonstown, in Jefferson county.

On the motion of Mr. Barlow—25. A bill to change the time of the meeting of the Legislature of Kentucky.

On the motion of Mr. English—26. A bill to establish a road from Owenton to Warsaw, in Gallatin county, Kentucky.

On the motion of Mr. Stone—27. A bill to give the occupants

of land in this Commonwealth the privilege of paying the tax, and redeeming the same which they occupy, which have been forfeited to the Commonwealth by the former owner, for the non-payment of the tax due thereon.

On the motion of Mr. Ward—28. A bill to declare Rockcastle creek in Lawrence county, a navigable stream from its mouth to the first main forks thereof.

On the motion of Mr. Austin—29. A bill for the benefit of Angerona Green.

Also—30. A bill to improve the navigation of Muddy river.

On the motion of Mr. Shackelford—31. A bill appropriating the fines and forfeitures of Madison county to the improvement of the public roads therein.

Messrs. Johnson, McGoodwin and Crockett, were appointed a committee to prepare and bring in the first; Messrs. Hanson, Ryon and Duff, the second; the committee of privileges and elections the third and twenty-fifth; the committee of internal improvements the fourth, sixteenth, eighteenth, thirtieth and thirty-first; Messrs. Coffman, Crow and Crockett, the fifth; Messrs. Harrison, Anderson and Alsop, the sixth; the committee for courts of justice the seventh; the committee of religion the ninth, fifteenth and twenty-ninth; Messrs. May, Ward and Seaton, the tenth; Messrs. Helm, Culley, Culp, Sterett and Merrifield, the eleventh; Messrs. Helm, Knot, Wickliffe and Merrifield, the twelfth; the committee of claims the thirteenth; Messrs. Helm, Sterrett and Culley, the fourteenth; Messrs. Ward, Helm and Stone the seventeenth; Messrs. J. P. White, Crow and A. Anderson the nineteenth; Messrs. Gatewood, Harrison and J. Davis the twentieth; Messrs. Hanson, Ryon and Duff, the twenty-first; Messrs. A. S. White, Cochran, Underwood and Nuttall, the twenty-second; Messrs. Cheek, Seaton, Grundy and Riffe, the twenty-third; Messrs. L. Anderson, Harrison and Wigginton, twenty-fourth; Messrs. English, Davis and Johnson (of Scott) the twenty-sixth; Messrs. Stone, Hanson and G. Davis, the twenty-seventh; Messrs. Ward, Seaton and Stone, the twenty-eighth; and the committee of military affairs the eighth.

Mr. Riffe moved the following resolution, viz.

Resolved, That this house during the balance of the session, will adjourn each day at half after one o'clock, to meet again at half after two o'clock, for the purpose of setting in the evening.

Which being twice read, was laid on the table.

Mr. Jonas moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of amending the laws, so as to require Circuit Court judges to appoint Clerks during vacation; also to enquire into the necessity of providing by law for the safe keeping of the records and papers during the period between the

death, resignation or removal, of a Circuit Court Clerk, and the appointment of his successor.

Which being twice read, was adopted.

Mr. Sterett moved the following resolutions, viz:

Resolved, That the committee on military affairs, be instructed to enquire into the expediency of so amending the militia law as relates to giving notice.

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of so amending the Tobacco law, as not to make inspectors liable for Tobacco, unless inspected by them.

Which being severally twice read, were adopted.

Mr. Barlow moved the following resolution, viz:

Resolved, That the committee of ways and means be, and they are hereby instructed to enquire into the propriety of so amending the law, as to exempt all white tithes over sixty-five years of age, from the payment of county levy tax.

And the question being taken on the adoption thereof, it was decided in the negative.

Mr. Paris moved the following resolution, viz:

Resolved, That the committee on internal improvements be instructed to enquire into the propriety of distributing the funds of the Bank of the Commonwealth of Kentucky, for the purposes of internal improvements, giving to each county their due proportion of said fund according to population, and report by bill or otherwise.

Which being twice read, was adopted.

Mr. Davis (of Bourbon) moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to report a bill to reduce the time for reducing deeds of mortgage and deeds of trust to record, so as to give them effect against purchasers and creditors.

And the question being taken on the adoption thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shackelford and Davis, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, L. Anderson, Barlow, Bradley, Brown, Calvert, Clarke, Cheek, Coffman, Crow, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, English, Gardner, Garnett, Gatewood, Hanson, J. L. Helm, T. J. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McClure, May, R. Mitchell, Montgomery, Morehead, J. S. Morgan, D. Morris, G. Morris, Paris, Parker, Phelps, Ryon, Sayers, Seaton, Shackelford, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble, Ward, A. S. White, J. P. White, J. W. Williams and Wortham—56.

NAYS—Messrs. Austin, Byers, Colyer, Crockett, Dillon, Dun-

lap, Grundy, Heddleston, Hinton, Jones, McGoodwin, J. W. S. Mitchell, Nuttall, Riffe, Slaughter, Sneed, Underwood, D. White, T. J. White, Wickliffe, Wigginton, and S. Williams—22.

Mr. Culley moved to obtain leave to bring in a bill to prohibit the collection of any note or account, created by the sale of ardent spirits by the small, unauthorised by law.

And the question being taken on granting leave to bring in said bill, it was decided in the negative—and so the said motion was disagreed to.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled.

An act to authorise the Secretary of State to purchase 200 copies of Luke Munsell's improved Map of Kentucky, and for other purposes.

An act to amend an act, making an appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831.

An act allowing George James Trotter a change of venue.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Ordered, That a bill to appropriate an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road,

And a bill to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup—be referred to the committee of internal improvements.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to establish the Bank of Kentucky.
2. An act to amend the law in relation to the erection of a bridge across Rockcastle river.
3. An act incorporating the Maysville insurance company.
4. An act to establish the town of Mills' Point, in the county of Hickman, and for other purposes.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first was committed to a select committee of Messrs. G. Morris, Wickliffe, Crockett, Todd, L. Anderson, Johnson (of Scott,) G. Davis, Hunton, Combs, Anderson (of Green,) McGoodwin, Johnson (of Livingston) and Phelps; the second and fourth were ordered to be read a third time; and the third was committed to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision, and third reading of the second and fourth bills, having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

A bill to amend the law concerning tavern keepers—was read a second time, and ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Tompkins from the select committee to whom was referred a bill for the benefit of the chartered medical colleges within this Commonwealth—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon the said bill was read a third time as follows:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whensoever any judge of a Circuit Court in this Commonwealth, shall pronounce sentence of death upon any slave or slaves, it shall be the duty of said judge to make award of the corpse or corpses of said slave or slaves, for the use of one of the faculties of the chartered medical colleges, situated within this state: And the judge so pronouncing sentence of death as aforesaid, shall have power and discretion to make choice of the faculty for whose use the corpse or corpses aforesaid, shall be appropriated, paying due regard to convenience and the interests of medical science: And the said judge shall cause to be entered upon the order book of the court holden by him, an order for the award and appropriation of the body or bodies of the slave or slaves, to be executed as aforesaid, to the medical faculty by him designated, for which order the clerk of the court so making the same, shall be allowed the fee of fifty cents to be paid by the faculty for whose benefit the same is made.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk of the Circuit Court, who shall enter an order in his order book, under the foregoing section of this act, to make out a true copy thereof, as soon as may be convenient, and forward the same by mail or other safe conveyance to the medical faculty, or some one thereof, for whose benefit the same is intended, and the clerk so making and forwarding said copy, shall be allowed the further fee of twenty-five cents therefor, to be paid as the fee for the original order aforesaid.

SEC. 3. *Be it further enacted*, That it shall be the duty of any sheriff or other officer executing a capital sentence of any Circuit

Court in this Commonwealth upon any slave or slaves, to surrender the body or bodies of said slave or slaves, when so executed, to the authorised agent of the medical faculty in whose favor the same may be awarded under the first section of this act. Provided the said sheriff, or other officer, shall not be required by this act to keep and preserve the body or bodies so executed, longer than twelve hours.

SEC. 4. *Be it further enacted*, That the bodies of free colored persons executed under sentence of any Circuit judge of this state shall be subject to the same orders and disposal which are prescribed by the provisions of the foregoing sections of this act, and the same duties are hereby required of the judges and clerks in relation thereto, as are directed to be performed in regard to slaves sentenced to death.

The question was then taken on the passage of said bill, which was decided in the negative, and so the said bill was rejected.

The yeas and nays being required on the passage of said bill by Messrs. Henderson and Tompkins, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Brown, Colyer, Crockett, Crow, Culley, Cunningham, G. Davis, Dunlap, Garnett, Hanson, Harrison, Heddleston, Hunton, Jonas, Jones, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, G. Morris, Nuttall, Paris, Parker, Riffe, Slaughter, Sneed, Stevenson, Todd, Tompkins, Wickliffe and Wigginton—34.

NAYS—Messrs. Allen, Barlow, Bradley, Calvert, Clarke, Coffman, Culp, J. Davis, Duff, English, Gardner, Gatewood, Grundy, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, May, Montgomery, D. Morris, Ryon, Seaton, Shackelford, Sterett, Stockton, Stone, Trimble, Underwood, Vanmetre, Ward, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams and Wortham—41.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. J. S. Morgan—1. A bill for the benefit of the heirs of Samuel Monson, deceased.

By Mr. Sterett—2. A bill to authorise the county court of Hancock to sell a part of the public ground in Hawesville, and for other purposes.

By Mr. Seaton—3. A bill to repeal the sixteenth section of an act entitled, an act to amend the revenue laws, approved December 23, 1831.

By Mr. Hanson—4. A bill to establish and regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick creek precinct in Estill county, and for other purposes.

By Mr. Jonas—5. A bill to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike road.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third readings of the first, second, fourth and fifth bills having been dispensed with, (the fourth being amended at the clerk's table) and the same being engrossed,

Resolved, That the said bills do pass, that the titles of the first, second and fifth be as aforesaid; and that of the fourth be amended by adding thereto the words "and to establish an election precinct in Bracken county."

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

The House resumed the consideration of the resolutions in relation to the removal of the Public Deposites from the Bank of the United States, and the amendments proposed thereto, and the motion to postpone the further consideration thereof until the first day of June next.

And after some discussion thereon—at two o'clock, P. M., it was moved and seconded that this house do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Austin and Parker, were as follows, viz:

YEAS—MR. SPEAKER, MESSRS. Allen, A. Anderson, Brown, Byers, Calvert, Cheek, Colyer, Crockett, Culley, Cunningham, Duff, English, Gardner, T. J. Helm, Henderson, Johnson of Scott, Montgomery, Seaton, Sterett, Stevenson, T. J. White, Wickliffe and Wigginton—25.

NAYS—Messrs. Barlow, Clarke, Coffman, Crow, G. Davis, J. Davis, Dunlap, Garnett, Gatewood, Grundy, Harrison, J. L. Helm, Hinton, Jasper, Jonas, Jones, McClure, McGoodwin, May, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, Nuttall, Parker, Phelps, Sayers, Shackelford, Sneed, Stockton, Stone, Tompkins, Trimble, Ward, A. S. White, J. P. White, J. W. Williams, S. Williams and Wortham—39.

A recess was then taken until 3 o'clock, at which hour the house again assembled, and after some further discussion,

The House adjourned.

MONDAY, FEBRUARY 3, 1834.

Mr. William Conway, a member returned to serve in this house from the counties of Hardin and Meade; and Mr. Isaac Burnett, a member returned to serve in this house from the county of Trigg, severally appeared, produced certificates of their election,

and of their having taken the oaths required by the Constitution of the United States, and the Constitution and laws of this State, and took their seats.

1. Mr. Cunningham presented the petition of James D. A. Million, praying the passage of a law to authorize the sale of the interest held by his infant children, in and to a tract of land lying in the county of Bourbon.

2. Mr. Parker presented the petition of sundry citizens of Mason county, praying the establishment of an independent Bank in Maysville.

3. Mr. J. W. S. Mitchell presented the petition of Thomas Dunbar, of Jessamine county, praying that a law may pass to authorize him to retail spirituous liquors without obtaining license, or paying the state tax therefor.

4. Mr. Sayers presented the petition of sundry citizens of Campbell county, praying the passage of a law to authorize the appointment of an additional constable for said county.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to a select committee of Messrs. Hansen, G. Davis and Cunningham; the second to the committee to whom was referred a bill from the Senate entitled, an act to incorporate the Bank of Maysville; and the third and fourth to the committee of propositions and grievances.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill from the Senate entitled,

An act to establish a road from Harrodsburgh to Taylorsville.

The passage of bills of the following titles:

An act to protect the settlers in the land district, west of the Tennessee river.

An act declaring Goose creek navigable from Col. Garrard's salt well, to the mouth of Otter creek.

An act repealing the law authorising the people of Rockcastle, Knox, Harlan and Laurel counties, to pass the Turnpike and Wilderness road, without paying toll.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

Their disagreement to a bill which originated in this house entitled,

An act to amend the penal laws of Kentucky.

The passage of bills which originated in this house of the following titles:

An act to allow two additional justices of the peace for Muhlenburgh county, and for other purposes.

An act allowing to the county of Christian, an additional justice of the peace, and for other purposes.

An act to establish an election precinct in the town of Ghent, in Gallatin county, and for other purposes.

An act to alter the time of holding the Hickman and Graves Circuit Courts, and for other purposes.

An act to amend an act, concerning head right certificates.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

An act to incorporate the Bowlinggreen female academy.

An act to amend an act entitled, an act for incorporating the Hartford bridge company, approved December 5, 1823.

An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

An act to allow one additional justice of the peace to Bullitt county—with amendments to the five latter bills.

The amendments proposed by the Senate, to bills from this house, of the following titles—were twice read, and committed to the committee of courts of justice, viz:

1. An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

2. An act to allow one additional justice of the peace to Bullitt county.

The amendments proposed by the Senate, to bills which originated in this house of the following titles—were twice read and concurred in.

An act to amend an act entitled, an act for incorporating the Hartford bridge company, approved December 5, 1823.

An act to incorporate the Bowlinggreen female academy.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county.

The following bills were severally read a second time, viz:

1. A bill to authorise the qualified voters of Oldham county, to select either Westport or Lagrange, for the permanent seat of justice for said county, and for other purposes.

2. A bill to repeal the 16th section of an act entitled, an act to amend the revenue laws, approved December 23rd, 1831.

The first was committed to a select committee of Messrs. Anderson, Barbour, White (of Shelby,) Underwood, English, Nuttall and Allen; and the second to the committee of ways and means.

Mr. Anderson from the committee on internal improvements, to whom was referred a bill to incorporate the Georgetown and Rail Road Turnpike company—reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time on to-morrow.

The following bills were reported from the committees appointed to bring in the same, viz:

By the committee of ways and means—1. A bill to subject certain articles to taxation.

By the committee on internal improvements—2. A bill to incorporate the Winchester and Lexington Turnpike company.

3. A bill to incorporate the Green river Turnpike company.

By Mr. Hanson—4. A bill to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

By Mr. Stone—5. A bill for the benefit of building mechanics.

By Mr. Anderson (of Green)—6. A bill to allow the county of Green, two additional constables, and for other purposes.

By Mr. Culp—7. A bill to add a part of Bracken county, to the county of Harrison.

By Mr. Gatewood—8. A bill to abolish the February term of Montgomery Circuit Court.

By Mr. Morris—9. A bill to allow the county of Mason an additional justice of the peace, and for other purposes.

By Mr. Wortham—10. A bill for the benefit of Willis Green, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second reading of said bills (the first excepted) having been dispensed with; the second, third and tenth were committed to the committee on internal improvements; the fourth, sixth, seventh, eighth and ninth, (the sixth and ninth having been amended at the Clerk's table) were ordered to be engrossed and read a third time; and the fifth was committed to the committee of courts of justice.

And thereupon, the rule of the house, constitutional provision, and third reading of the fourth, sixth, seventh, eighth and ninth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Alsop—1. A bill to incorporate the Fireman's insurance company of Louisville.

On the motion of Mr. Sneed—2. A bill to establish an election precinct in Garrard county.

Messrs. Alsop, Phelps, J. L. Helm, Parker, S. Williams, Cheek and L. Anderson were appointed a committee to prepare and bring in the first; and the committee of privileges and elections the second.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to incorporate the Bank of Maysville.
2. An act changing the time of holding the Logan county court.
3. An act to incorporate the Galt house company.
4. An act to protect the settlers in the land district, west of the Tennessee river.
5. An act declaring Goose creek navigable from Col. Garrard's salt well to the mouth of Otter creek.
6. An act repealing the law authorising the people of Rockcastle, Knox, Harlan and Laurel counties to pass the Turnpike and Wilderness road, without paying toll.
7. An act providing for a change of venue, in the prosecution against Thomas W. Harris.
8. An act amendatory to an act, approved January 28, 1833, to authorise the Bourbon County Court, to levy a tax on the lands of the county.
9. An act to establish election precincts in Green and Mercer counties.
10. An act to enlarge the constable's district for the town of Monticello.
11. An act for the benefit of Jacob Spaw, and his children.
12. An act to allow an additional justice of the peace in Greenup county.
13. An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Harlan county.
14. An act to extend the bounds of Elizabeth, in Hardin county, Kentucky.
15. An act to incorporate the Union School, for Cumberland county, Kentucky.
16. An act to increase the number of justices of the peace in the counties of Pulaski and Wayne.
17. An act to regulate the number of justices of the peace in the county of Mercer.
18. An act for the benefit of the Sheriff in Washington county.
19. An act for the benefit of Sophia Griggs.
20. An act to allow additional constables to Logan, Hardin, Meade and Washington counties.
21. An act to amend an act entitled, an act to incorporate the Louisville Hotel company.
22. An act to amend an act entitled, an act enlarging the town of Madisonville, in the county of Hopkins, approved January 25th, 1833.
23. An act for the benefit of Samuel Woodson, Clerk of Hopkins county.
24. An act providing for the appointment of an additional constable in the county of Adair.
25. An act altering the time of holding courts of claims.

26. An act to provide for reviewing, opening and establishing a road from Frankfort to Williamstown, in Grant county.

27. An act granting certain powers to Lincoln, Casey and Adair counties.

28. An act to amend the law concerning executions.

29. An act to change the place of voting in one of the precincts in Cumberland county.

30. An act appropriating some of the vacant lands in certain counties for the improvement of their roads.

31. An act further to regulate the town of Eddyville.

32. An act to alter the time of holding certain courts.

33. An act for the benefit of the jailor of Mercer county.

34. An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

35. An act to amend the charter of the bank of Louisville.

36. An act to encourage the manufacture of Queensware.

37. An act to appropriate some of the vacant lands of this state to the improvement of the public highways thereof.

38. An act allowing an additional constable to the county of Gallatin.

39. An act to incorporate the Blue Spring Seminary, in Barren county.

40. An act to amend the act entitled, an act providing for the opening of a road from Taylorsville, in Spencer county, to Jeffersonstown, in Jefferson county, and for other purposes, approved January 31st, 1833.

41. An act to establish a state road from Frankfort, to King's ferry, on the Ohio river, by the way of New-Castle.

And thereupon the rule of the house, constitutional provision and second reading of said bills having been dispensed with; the first was committed to a select committee of Messrs. Jonas, Nuttall, D. Morris, Parker and Byers; the third, seventh, twenty-first, twenty-fifth and twenty-eighth were committed to the committee of courts of justice; the sixth and thirtieth to the committee of internal improvements; the fourteenth to a select committee of Messrs. Helm, Culley and Conway; the thirty-sixth to a select committee of Messrs. Wigginton, Helm, L. Anderson, Calvert and Alsop; the forty-first to a select committee of Messrs. Allen, Nuttall, English, A. S. White, Underwood and Barbour; and the second, fourth, fifth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-seventh, twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth, (the second, thirteenth, sixteenth and eighteenth having been amended at the Clerk's table) were severally ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of the second, fourth, fifth, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-second, twenty-third, twenty-fourth, twenty-sixth, twenty-seventh, twenty-ninth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth bills having been dispensed with,

Resolved, That the said bills do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the second, thirteenth, sixteenth and eighteenth bills.

A resolution from the Senate, for procuring certain surveys of the rivers in this Commonwealth—was twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The house resumed the consideration of the resolutions in relation to the removal of the Public Deposites from the Bank of the United States—and the motion to lay the same on the table until the first day of June next.

And after some further discussion thereon,

The House adjourned.

TUESDAY, FEBRUARY 4, 1834.

1. Mr. S. Williams presented the petition of George Stinston, praying a divorce from his wife, Elizabeth.

2. Mr. Jonas presented the petition of David S. Clarkson, and Maria Monroe, praying the sale of the land belonging to the estate of Jeremiah Monroe, deceased.

3. Mr. Burnett presented the petition of sundry citizens of Trigg county, praying for an additional justice of the peace for said county.

4. Mr. Alsop presented the petition of Sarah M. Carr, praying to be divorced from her husband, Pynel Carr.

5. Mr. Alsop presented the petition of Abigail Joseph, praying to be divorced from her husband, Moseph Joseph.

6. Mr. T. J. Helm presented the petition of William H. Cole, praying that the name of Mary Ann Forester, may be changed to that of Mary Ann Cole.

7. Mr. Underwood presented the petition of sundry citizens of Shelby county, praying an amendment of the law in relation to riots, routs and unlawful assemblies.

8. Mr. Garnett presented the petition of sundry citizens of

Boone county, praying the repeal of an act, entitled, an act for the benefit of the Boone Academy, approved January 3, 1833.

Which petitions were severally received, the reading thereof dispensed with and referred; the first, fourth and fifth to the committee on religion; the second and seventh to the committee for courts of justice; the third and sixth to the committee of propositions and grievances; and the eighth to a select committee of Messrs. Garnett, Jonas, Helm (of Hardin) and Barlow.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act for the benefit of Edward Brown.

An act to establish an election precinct in Shelby county.

An act for the benefit of Samuel Payne, and the heirs and representatives of John Pattie, deceased.

An act for the benefit of the Grand Lodge of Kentucky.

An act to authorise the trustees of the African Church in Lexington, to convey a house to Sarah Sayre.

An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29, 1830.

An act to authorise the insertion of advertisements in the Record of the Times.

An act for the benefit of John A. and Charles A. Bailey.

An act to establish the Shelbyville library company.

An act for the benefit of Margaret Gorman.

An act for the benefit of London seminary, in Laurel county—with amendments to the two latter bills.

And the passage of bills which originated in the Senate of the following titles:

An act to amend the several acts, to suppress the practice of duelling.

An act to improve the south fork of the Kentucky river, from its junction with the north fork to Goose creek salt works.

An act to amend an act, entitled, an act to incorporate the trustees of the Augusta College, approved December 7, 1822.

An act to provide for the sale of real estate in certain cases.

An act to amend an act, to amend the law to establish a state road, from the mouth of Salt river, to intersect the state road, leading from Brandenburg to Bowlinggreen, approved January 15th, 1831.

An act to alter the time of holding the Meade Circuit Court, and for other purposes.

An act to extend the powers of the trustees of the town of Washington, in the county of Mason.

The adoption of a resolution, adopting an additional joint rule.

And that the Senate had received official information that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles:

Mr. SPEAKER—The Governor did, on the 1st inst. approve and sign enrolled bills which originated in the Senate of the following titles:

An act to authorise the Secretary of State to purchase 200 copies of Luke Munsell's improved Map of Kentucky, and for other purposes.

An act to amend an act, making an appropriation to aid in the repair of the Sandy road, and to authorise a Turnpike gate thereon, approved January 15, 1831.

And on this day, one entitled,

An act allowing George James Trotter a change of venue.

Mr. Phelps from the committee of propositions and grievances, made the following report:

They have had under consideration the petition of sundry citizens of Pendleton county, praying that a part of said county be attached to the county of Grant; and also the remonstrance of sundry citizens of said county of Pendleton, against said petition, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

Which being twice read, was concurred in.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills and a resolution which originated in this house of the following titles, and had found the same truly enrolled, viz:

An act to repeal an act, approved January 14, 1833, entitled, an act to authorise the trustees of the Newport Seminary, to sell their donation lands, and for other purposes.

An act to extend the boundaries and jurisdiction of the town of Paducah.

A resolution appointing a committee to digest the militia laws of this state.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill from the Senate, entitled, "an act altering the time of holding courts of claims"—reported the same without amendment.

And the question being taken on reading the bill a third time, it was decided in the negative.

And so the said bill was rejected.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee to whom was referred the amendments proposed by the Senate, to a bill which originated in this house entitled, "an act to authorise the taking of depositions in a summary way, to perpetuate testimony"—reported the same without amendment.

The said amendments were then twice read, and disagreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee to whom was referred a bill from the Senate entitled, "an act to incorporate the Maysville insurance company;" also a bill from the Senate, entitled, "an act to encourage the publication of a new digest of the statute laws of Kentucky"—reported the former with, and the latter without amendment.

The amendment proposed to the former bill, being twice read, was concurred in.

And the said bills severally ordered to be read a third time.

The said bills were accordingly read a third time.

Resolved, That the said bills do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the first bill.

Mr. Anderson from the committee of internal improvements, to whom was referred a bill to incorporate the Winchester and Lexington Turnpike company—reported the same without amendment.

The said bill was then ordered to be read a third time.

And thereupon the said bill was accordingly read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Gardner and Allen, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Byers, Cheek, Colyer, Combs, Conway, Crockett, Cunningham, J. Davis, Dunlap, Gatewood, Grundy, Hanson, Harrison, J. L. Helm, Hinton, Hinton, Johnson of Scott, Jonas, Knot, May, Merrifield, J. W. S. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, Parker, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Vanmetre, Ward, D. White, T. J. White, Wickliffe, Wigginton, and S. Williams—49.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, Duff, English, Gardner, Heddleston, T. J. Helm, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, R. Mitchell, Morehead, Nuttall, Paris, Trimble, Underwood, A. S. White, J. P. White, J. W. Williams and Wortham—32.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill to enlarge the boundaries of Georgetown, and for other purposes.

2. A bill to erect an election precinct in Livingston county.

3. A bill allowing an additional constable to Campbell county, and for other purposes.

By the committee of internal improvement—4. A bill to provide for the appointment of commissioners for the county of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2, 1833.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills, having been dispensed with; the first was committed to the committee of propositions and grievances; the fourth to the committee on internal improvements; and the second and third were ordered to be engrossed and read the third time.

And thereupon, the rule of the house, constitutional provision, and third reading of the second and third bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Anderson from the same committee, (of internal improvements,) to whom was referred a bill to incorporate a company to Turnpike the road from Frankfort, to the mouth of big Sandy river, by way of Georgetown, Paris, Carlisle, Flemingsburg, Clarksburg and Greenupsburg—reported the same with amendments.

Which being severally twice read, was concurred in.

And the said bill as amended ordered to be engrossed and read a third time.

The said bill having been read a third time, was re-committed to a select committee of Messrs. J. S. Morgan, Ward, Seaton, Stevenson, S. Williams and Johnson (of Scott.)

The House resumed the consideration of the resolutions in relation to the removal of the Public Deposites from the Bank of the United States, and the motion to postpone the further consideration thereof, until the first day of June next.

Mr. S. Williams then moved the previous question.

And the question was accordingly put, "*Shall the main question be now taken?*" which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Williams and Nuttall, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, Austin, Barbour, Barlow, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Colyer, Conway, Crockett, Crow, Cruse, Culley, Culp, J. Davis, Duff, English, Gardner, Garnett, Gatewood, Hanson, Harrison, Haskin, Heddeston, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Jonas, Knot, McClure, McGood-

win, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, Paris, Perrin, Riffe, Ryon, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Underwood, Vanmetre, Ward, A. S. White, D. White, J. P. White, T. J. White, J. W. Williams, S. Williams and Wortham—68.

NAYS—Messrs. Cheek, Combs, Cunningham, Dunlap, Grundy, Hunton, Johnson of Scott, Jones, Merrifield, G. Morris, Nuttall, Parker, Phelps, Seaton, Todd, Tompkins, Trimble, Wickliffe and Wigginton—19.

It was then moved and seconded at half past one o'clock, P. M. that the house do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Jonas, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Byers, Colyer, Combs, Crockett, Cunningham, Dunlap, English, Grundy, Hanson, Heddleston, T. J. Helm, Hunton, Jonas, Jones, Merrifield, J. W. S. Mitchell, Morehead, D. Morris, G. Morris, Murrell, Parker, Ryon, Seaton, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, A. S. White, D. White, Wickliffe and Wigginton—38.

NAYS—Messrs. Allen, A. Anderson, Barbour, Barlow, Bradley, Burnett, Calvert, Cheek, Clarke, Coffman, Conway, Crow, Cruse, Culley, Culp, J. Davis, Duff, Gardner, Garnett, Gatewood, Harrison, Haskin, J. L. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McClure, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Riffe, Sayres, Shackleford, Stevenson, Stone, Trimble, Ward, J. P. White, T. J. White, J. W. Williams, S. Williams and Wortham—54.

The said resolutions (as amended) were then again read as follows, viz:

Resolved by the House of Representatives, That the President of the United States, by causing to be withdrawn the public money from the place of safe deposit, where it had been made by law, and placing of it in local banks under his control, of the solvency of which the people at large know nothing, and into whose affairs their representatives have no right to examine, has violated the constitution and laws of the United States; that he has "assumed a responsibility" dangerous to liberty, and which tends to the concentration of all power in the hands of the Chief Magistrate of the United States.

Resolved, That by the frequent exercise of the veto power, and that still more arbitrary and dangerous one, of withholding bills passed by both Houses of Congress, thereby preventing the

opportunity of a reconsideration by that body, in the mode prescribed in the constitution, the President has, to a great extent, crippled and paralyzed the Legislative department of our Government, and in some instances has prevented the exercise by Congress of their essential constitutional rights.

Resolved, That the Clerk of this House transmit to each of our Senators and Representatives in Congress, copies of the foregoing resolutions.

The question was then taken on the adoption of the first resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Jonas, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Combs, Conway, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Grundy, Hanson, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Marshall, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams and Wortham—57.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, English, Gardner, Harrison, Haskin, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White, T. J. White and S. Williams—40.

The question was then taken on the adoption of the second resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Gardner, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Combs, Conway, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Marshall, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams and Wortham—56.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, English, Gardner, Grundy, Harrison, Haskin, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McGoodwin,

May, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayres, Stevenson, Stone, Trimble, Ward J. P. White, T. J. White and S. Williams—41.

The question was then put on the adoption of the third resolution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gardner and Nuttall, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Colyer, Combs, Conway, Crockett, Cunningham, J. Davis, Duff, Dunlap, Garnett, Gatewood, Grundy, Hanson, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Merrifield, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams and Wortham—54.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffin, Crow, Cruse, Culley, Culp, English, Gardner, Harrison, Haskin, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayers, Stevenson, Stone, Trimble, Ward, J. P. White, T. J. White and S. Williams—40.

Mr. Culley moved the following resolution, viz:

Resolved, That the committee of courts of justice be instructed to bring in a bill to prohibit the collection of any note or account, where the debt has accrued by the vending of spirituous liquors by the small, unauthorised by law.

Which being twice read, was adopted.

The amendments proposed by the Senate, to bills which originated in this house of the following titles—being twice read, were adopted, viz:

An act for the benefit of the London Seminary, in Laurel county.

An act for the benefit of Margaret Gorman.

Ordered, That the Clerk inform the Senate thereof.

An engrossed bill entitled, "an act to incorporate the Georgetown and Rail Road Turnpike Company—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Gardner and Allen, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, Byers, Cheek, Colyer, Conway, Crockett, Culley, Cunningham, G. Davis, J. Davis, Dunlap, Hanson, Harrison, Heddleston, J. L. Helm, Hinton, Hunton, Johnson of Scott, Jones, May, J. W. S. Mitchell, J. S. Morgan, Parker, Phelps, Ryon, Sayres, Seaton, Sneed, Ster-

ett, Stevenson, Todd, Trimble, Vanmetre, Ward, Watkins, D. White, T. J. White, Wickliffe and S. Williams—40.

NAYS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Clarke, Culp, Duff, English, Gardner, Grundy, Haskin, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, McClure, McGoodwin, R. Mitchell, Montgomery, Morehead J. Morgan, Paris, Perrin, Riffe, Shackelford, Stockton, Stone, Underwood, A. S. White, J. P. White, John W. Williams and Wortham—34.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A bill from the Senate entitled, an act to amend the several acts to suppress the practice of duelling,

Was read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third readings being dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

Ordered, That the bill to amend the act entitled, an act further to regulate the Bank of the Commonwealth, approved, January 29, 1830, and the amendment offered thereto, be committed to a committee of the whole house, on to-morrow.

The following bills were severally read a second time, viz:

1. A bill making alterations in certain judicial districts.
2. A bill to improve the road leading from London, to the Tennessee state line.
3. A bill to appropriate \$400 to aid in improving the state road leading from Owenborough to Bowlinggreen.
4. A bill for the benefit of Elizabeth Godley.
5. A bill to prohibit the circulation, within this Commonwealth, of Bank notes of a less denomination than five dollars.

The first was committed to a committee of the whole house for to-morrow; and the second, third, fourth and fifth were severally ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the third bill by Messrs. Allen and Gardner, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, Austin, Barbour, Byers, Calvert, Coffinan, Colyer, Conway, Crockett, Crow, Culley, Cunningham, G. Davis, J. Davis, Dunlap, Gatewood, Grundy, Hanson, Harrison, Haskin, J. L. Helm, T. J. Helm, Hinton, Hunton,

Johnson of Scott, Jonas, Jones, McGoodwin, May, J. W. S. Mitchell, Jas. Morgan, Parker, Perrin, Phelps, Pope, Seaton, Sneed, Sterett, Stevenson, Todd, Watkins, D. White, T. J. White, Wickliffe, J. W. Williams, S. Williams and Wortham—47.

NAYS—Messrs. Allen, Barlow, Bradley, Burnett, Culp, Duff, English, Gardner, Heddleston, Henderson, Jasper, McClure, Morehead, J. S. Morgan, D. Morris, Paris, Ryon, Shackelford, Stone, Trimble, Ward, A. S. White and J. P. White—23.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

And then the House adjourned.

WEDNESDAY, FEBRUARY 5, 1834.

Mr. Ward from the joint committee of enrollments reported that the committee had examined enrolled bills from the Senate of the following titles, and had found them correctly enrolled.

An act amendatory to an act, approved January 28, 1833, to authorise the Bourbon County Court, to levy a tax on the lands of the county.

An act for the benefit of Sophia Griggs.

An act for the benefit of Jacob Spaw, and his children.

An act granting certain powers to Lincoln, Casey and Adair county courts.

An act providing for the appointment of an additional constable in the county of Adair.

An act to amend an act entitled, an act to add a part of the land of Richard Forrest, to the town of Lebanon, approved November 15, 1831, and for other purposes.

An act to establish a road from Harrodsburgh to Taylorsville.

An act to change the place of voting in one of the precincts in Cumberland county.

An act further to regulate the town of Eddyville.

An act to amend the charter of the bank of Louisville.

An act to alter the time of holding certain courts.

An act to amend the law in relation to the erection of a bridge across Rockcastle river.

An act declaring Goose creek navigable from Col. Garrard's salt well to the mouth of Otter creek.

Whereupon, the Speaker affixed his signature thereto.

A message was received from the Senate, announcing their disagreement to a bill, which originated in this house, of the following title:

An act to amend the law concerning alimony.

And the passage of bills which originated in the Senate of the following titles:

An act to appoint a keeper or keepers of the Penitentiary, and for other purposes.

An act for the benefit of Nelson Whites, and others.

An act for the benefit of Charles C. Moore, and Levi Van Camp.

The passage of bills which originated in this house, of the following titles:

An act to amend and reduce into one the several acts, constituting boards of internal improvements for Shelby and Franklin counties.

An act to establish a Turnpike road company from Pikeville to the Virginia state line at or near the head of Elkhorn.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

An act to authorise the opening of a road from Flat rock in Bourbon county, by way of Sharpsburgh, in Bath county, to Owingsville.

An act to establish an election precinct in Union county—with amendments to the two latter bills.

The said amendments were then taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

An act to improve the south fork of the Kentucky river, from its junction with the north fork to Goose creek salt works.

An act to amend an act entitled, an act to incorporate the trustees of the Augusta College, approved December 7, 1822.

An act provide for the sale of real estate in certain cases.

An act to amend an act to amend the law to establish a state road from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved January 15, 1831.

An act to alter the time of holding the Meade Circuit Court, and for other purposes.

An act to extend the powers of the trustees of the town of Washington, in the county of Mason.

An act to appoint a keeper or keepers of the Penitentiary, and for other purposes.

An act for the benefit of Nelson Whites, and others.

An act for the benefit of Charles C. Moore, and Levi Van Camp.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills (the first excepted) having been dispensed with; the second was referred to a select committee of

Messrs. Jonas, Marshall, Hanson and Nuttall; the third was committed to the committee for courts of justice; the fourth to a select committee of Messrs. Helm, Sterett, Wortham and Culley; the fifth to a select committee of Messrs. Helm, Culley and Wickliffe; the seventh to the committee on the Penitentiary; the ninth to the committee of claims; and the sixth and eighth were ordered to be read a third time.

Whereupon, the rule of the house, constitutional provision, and third reading of the sixth and eighth bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

A resolution from the Senate, adopting an additional joint rule of both houses, was taken up, twice read and adopted in the following words:

Resolved by the Senate and House of Representatives, That when there is a communication from the Governor, or a message from one House to the other, it shall be received without delay, if the House be in committee the Speaker shall resume the chair, and if any member be speaking he shall take his seat until the communication or message be received.

Ordered, That the Clerk inform the Senate thereof.

The following bills were severally read a second time:

1. A bill to add a small part of the county of Harrison to the county of Grant.

2. A bill regulating the proceedings upon mortgages executed for the payment of money.

The first was ordered to be engrossed and read a third time; and the second was laid on the table, until the first day of May next.

A bill to amend the penal laws of this Commonwealth, and the better to secure and guard the right of suffrage and freedom of elections therein—was read a second time.

It was then moved and seconded to commit the said bill to a select committee for the purpose of amendment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gardner and Hunton, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, Dillon, English, Gardner, Grundy, Harrison, Haskin, J. L. Helm, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, Nuttall, Paris, Perrin, Phelps, Pope, Sayers,

Stevenson, Stone, Trimble, Ward, J. P. White and T. J. White—42.

NAYS—Messrs. Alsop, Austin, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Combs, Conway, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Hanson, Heddleston, Hinton, Hunton, Jonas, Jones, McClure, McGoodwin, Marshall, Merrifield, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—54.

Mr. Phelps then moved to amend said bill by adding thereto, the following additional sections, viz:

Be it further enacted, That it shall not be lawful for the judges, clerks or sheriff, whose duty it shall be to hold any election by the people of this Commonwealth, for any officer thereof, or for a member of Congress, to take or receive the vote of any person at any other time or place, than that fixed by the constitution and laws of this state. And the judges, clerks and sheriff, who shall be guilty of violating the provisions of this act, shall be adjudged guilty of a misdemeanor, and shall severally pay for each offence the sum of \$100 to be recovered by presentment of a grand jury, in the Circuit Court of the county, where the offence shall have been committed.

Be it enacted, That when for any good cause, in the opinion of the officers, appointed to hold such election, the same cannot be holden at the house appointed by law; or the owner of such house will not permit it to be done, the judges and the sheriff shall publicly proclaim the same, on the morning of the first day of such election, and proceed to the place nearest to that fixed by law, and most convenient, and there hold such election; and it shall be the duty of the judges and sheriff, to proclaim on the day, and at the time aforesaid, the place to which they adjourn, to hold said election.

And the question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. ——— and ———, were as follows, viz:

YEAS—Messrs. Allen, L. Anderson, Austin, Barlow, Bradley, Burnett, Byers, Calvert, Clarke, Cochran, Coffman, Colyer, Crockett, Crow, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, English, Gardner, Garnett, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, G. Mor-

ris, Paris, Perrin, Phelps, Pope, Ryon, Sayres, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Underwood, Ward, Watkins, A. S. White, J. P. White, T. J. White, J. W. Williams, S. Williams and Wortham—79.

NAYS—Mr. SPEAKER, Messrs. Alsop, Barbour, Cheek, Conway, J. S. Morgan, D. Morris, Murrell, Nuttall, Parker, Riffe, Seaton, Vanmetre, D. White, Wickliffe and Wigginton—16.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Wickliffe and Gardner, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, A. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, English, Garnett, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddlestone, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—94.

NAYS—Messrs. Allen, Gardner and Seaton—3.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

And then the House adjourned.

THURSDAY, FEBRUARY 6, 1834.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled:

An act allowing to the county of Christian, an additional justice of the peace, and for other purposes.

An act to allow two additional justices of the peace for Muhlenburgh county, and for other purposes.

An act to alter the time of holding the Hickman and Graves Circuit Courts, and for other purposes.

An act to establish an election precinct in the town of Ghent, in Gallatin county, and for other purposes.

An act to authorise the insertion of advertisements in the Record of the Times.

An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29, 1830.

An act to establish an election precinct in Shelby county.

An act for the benefit of the Grand Lodge of Kentucky.

An act to establish the Shelbyville library company.

An act for the benefit of John A. and Charles A. Bailey.

An act for the benefit of Samuel Payne, and the heirs and representatives of John Pattie, deceased.

An act to authorise the trustees of the African Church in Lexington, to convey a house to Sarah Sayre.

An act for the benefit of Edward Brown.

An act to amend an act entitled, an act for incorporating the Hartford bridge company, approved December 5, 1823.

An act to incorporate the Bowlinggreen female academy.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

An act to amend an act, concerning head right certificates.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

1. Mr. Jonas presented the petition of Ann P. Wallace, praying a divorce from her husband, Augustus P. Wallace.

2. Mr. Cheek presented the petition of John Brake and Rebecca Sewell, praying that their son may be legitimated.

3. Mr. J. L. Helm presented the petition of Charity Newman, praying to be divorced from her husband, John Newman.

Which petitions were severally received, the reading thereof dispensed with and referred; the first and third to the committee on religion; and the second to the committee of propositions and grievances.

Mr. Shackelford presented the petition of the officers of the troop of Cavalry of the 13th Regiment, Kentucky Militia, praying the passage of a law to authorise three additional musters annually for said company.

Which petition was received, the reading thereof dispensed with, and referred to the committee on military affairs.

On the motion of Mr. Phelps—

Ordered, That the committee of propositions and grievances be discharged from the further consideration of the petition of the citizens of Paintsville.

On the motion of Mr. Wickliffe—

Ordered, That the committee of courts of justice be discharged from the further consideration of the petitions of Ann Boston; David S. Clarkson; Maria Corwin; the heirs of Samuel May; and Ann Wathen.

Mr. Wickliffe from the committee of courts of justice, to whom was referred a bill from the Senate entitled, an act to amend the law concerning executions—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill as amended, ordered to be read a third time.

Whereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with,

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof and request their concurrence in the said amendment.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill for the benefit of the constables in Scott county.

2. A bill for the benefit of Mary Ann Forester.

By the committee of privileges and elections—3. A bill to establish an election precinct in Garrard county.

4. A bill to change the place of voting at Christiansburgh, in Shelby county.

5. A bill for the benefit of the 38th and 35th Regiments, Kentucky Militia.

By the committee of courts of justice—6. A bill concerning the estates of Lunatics and Idiots.

7. A bill for the benefit of William B. Cook.

8. A bill for the benefit of James Buchanan.

9. A bill prescribing the mode of contesting the election of Representatives to the Congress of the United States.

By the committee of religion—10. A bill for the benefit of John H. Combs.

11. A bill for the benefit of Eliza Boyd.

By the committee of internal improvements—12. A bill to authorise an additional subscription on the part of the Commonwealth, in the stock of the board of internal improvements for Franklin county.

13. A bill allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

14. A bill to improve the navigation of Muddy river.

15. A bill to amend the charter of the Shepherdsville and Louisville Turnpike road company.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house, constitutional provision, and second and third readings of said bills, (the tenth and fifteenth excepted) having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the twelfth bill by Messrs. Gardner and Nuttall, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Clarke, Cochran, Coffman, Colyer, Combs, Conway, Crockett, Crow, Culley, Cunningham, G. Davis, Dunlap, Garnett, Grundy, Hanson, Harrison, J. L. Helm, T. J. Helm, Hinton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, May, Merrifield, R. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sterett, Stevenson, Todd, Tompkins, Underwood, Ward, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wortham—64.

NAYS—Messrs. Allen, Barlow, Bradley, Calvert, Cruse, Culp, J. Davis, Dillon, Duff, English, Gardner, Heddleston, Henderson, Jasper, Montgomery, Nuttall, Paris, Sneed, Stockton, Stone, J. P. White and J. W. Williams—22.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Wickliffe from the committee for courts of justice, to whom was referred a bill from the Senate entitled, an act to amend an act entitled, an act to incorporate the Louisville Hotel company—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be read a third time.

Whereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

Mr. Wickliffe from the same committee to whom was referred a bill from the Senate entitled, an act to incorporate the Galt House company—reported the same without amendment.

The said bill was then ordered to be read a third time.

Whereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with,

Resolved, That the said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee to whom was referred

a bill entitled, an act for the benefit of building mechanics—reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative—and so the said bill was rejected.

Mr. Wickliffe from the same committee to whom was referred a bill entitled, an act for the benefit of the mechanics of the town of Covington and Newport—reported the same without amendment.

And said bill was then ordered to be engrossed and read a third time.

Whereupon, the rule of the house, constitutional provision, and third-reading, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Morehead from the committee of religion, made the following report:

The committee of religion have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolution thereon:

Resolved, That the petitions of Henry Hall, Thomas Nickell, George Thurston and Amanda Millery, severally praying for divorces—be rejected.

Which being twice read, was concurred in.

Mr. Anderson from the committee of internal improvements, made the following report:

The committee of internal improvements to whom was referred the petition of sundry citizens of Shelby county, praying that they may be relieved from paying toll in passing to and from their Court House on horseback, have had the same under consideration, and beg leave to report the following resolution, viz:

Resolved, That said petition is unreasonable.

The committee of internal improvements to whom was referred the petition of sundry citizens of Anderson county, praying an appropriation of money to the clearing out the obstructions in Salt river, have had the same under consideration, and beg leave to report the following resolution, viz:

Resolved, That said petition is unreasonable.

Which being twice read, was concurred in.

Mr. Anderson from the same committee to whom was referred a bill entitled, an act for the benefit of Willis Green, and for other purposes—reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative—and so the said bill was rejected.

Mr. Anderson from the same committee to whom was referred a bill from the Senate entitled, an act appropriating some of the vacant lands in certain counties for the improvement of their roads—reported the same without amendment.

And said bill being amended at the Clerk's table, was ordered to be read a third time.

Whereupon, the rule of the house, constitutional provision, and third reading having been dispensed with.

Resolved, That the bill as amended do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

Mr. Anderson from the same committee to whom was referred a bill entitled, an act to provide for the appointment of commissioners, for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2, 1833—reported the same without amendment.

And said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

On the motion of Mr. Anderson—

Ordered, That the committee of internal improvement be discharged from bringing in a bill for the appropriation of money for the purposes of internal improvements, west of the Tennessee river.

Mr. Anderson from the same committee to whom was referred a bill to incorporate the Green river Turnpike road company—reported the same with sundry amendments.

Which being twice read, were concurred in.

And the said bill, as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Tompkins and Gardner, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Byers, Clarke, Coffin, Colyer, Conway, Crockett, Crow, Culley, Cunningham, G. Davis, Dunlap, Grundy, Hanson, Harrison, J. L. Helm, Hinton, Hunton, Irvine, Johnson of

Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Morehead, Jas. Morgan, J. S. Morgan, Murrell, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton and S. Williams—58.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Calvert, Cheek, Cochran, Cruse, Culp, J. Davis, Dillon, Duff, English, Gardner, Garnett, Gatewood, Haskin, Heddleston, Henderson, Jasper, Montgomery, Nuttall, Paris, Perrin, Shackelford, Stone, Trimble, Underwood, A. S. White, J. P. White, J. W. Williams and Wortham—32.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on the 4th inst., approve and sign enrolled bills which originated in the House of Representatives of the following titles:

An act to extend the boundaries and jurisdiction of the town of Paducah.

An act to repeal an act, approved January 14, 1833, entitled, an act to authorise the trustees of Newport seminary to sell their donation lands, and for other purposes.

And a joint resolution originated in the same house entitled, A resolution appointing a committee to digest the militia laws of this state.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to bills, which originated in this house, of the following titles:

An act for the benefit of the sheriffs of certain counties.

An act to authorise the Clerk of the Wayne County Court to transcribe certain records in his office.

An act to authorise an additional term for the trial of criminals in the Fayette Circuit Court.

The passage of bills which originated in this house, of the following titles:

An act to appoint trustees for the town of Williamstown, and for other purposes.

An act for the benefit of Charles F. Wing and Barnet Eades.

An act authorising the guardian of the heirs of Corbin Dorsey, deceased, to sell a negro woman.

And the passage of a bill entitled, an act for the benefit of the Cumberland Hospital.

The House then according to the order of the day, resolved it-

self into a committee of the whole house on the state of the Commonwealth—Mr. Helm in the chair—and after some time spent therein, the Speaker resumed the chair.

And Mr. Helm reported that the committee had according to order, had under consideration, a bill making alterations in certain Judicial Districts—and had gone through the same, and directed him to report to the house, that the committee had struck out the whole of the bill after the enacting clause.

The question was then taken on concurring in the report of the committee which was decided in the affirmative—and so the said bill was rejected.

A bill to change the name of Alonzo P. Buck.

Was read a third time and ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

And then the House adjourned.

FRIDAY, FEBRUARY 7, 1834.

1. Mr. S. Williams presented the petition of Joel Brown, praying a divorce from his wife, Rebecca Brown.

2. Mr. Marshall presented the petition of Francis R. Black, guardian of the infant heirs of Anthony Thompson, deceased, praying the passage of a law to authorise the sale of certain slaves belonging to said infant heirs.

Which petitions were severally received, read and referred; the first to the committee of religion; and the second to the committee for courts of justice.

Mr. Marshall presented the petition of sundry citizens of Franklin, praying the incorporation of the Buckrun academy.

Which was received, read and referred to the committee of education.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to allow an additional justice of the peace in Greenup county.

An act to enlarge the constable's district for the town of Monticello.

An act to regulate the number of justices of the peace in the county of Mercer.

An act for the benefit of Samuel Woodson, Clerk of Hopkins county.

An act to protect the settlers in the land district, west of the Tennessee river.

An act to establish the town of Mills' Point, in the county of Hickman, and for other purposes.

An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

An act allowing an additional constable to the county of Galatin.

A joint resolution to procure surveys of the rivers in this Commonwealth.

An act for the benefit of Margaret Gorman.

An act to authorise the opening of a road from Flat rock in Bourbon county, by way of Sharpsburgh, in Bath county, to Owingsville.

An act for the benefit of the London seminary, in Laurel county.

An act to establish a Turnpike road company from Pikeville to the Virginia state line at or near the head of Elkhorn.

An act to establish an election precinct in Union county, and for other purposes.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Seaton presented the petition of sundry citizens of Greenup county, praying a modification of the act, making appropriation to the repair of the Sandy road, so as to impose additional tolls.

Which was received, read and referred to a select committee of Messrs. Seaton, Stone and J. Davis.

Mr. L. Anderson from the select committee to whom was referred a bill to authorise the qualified voters of Oldham, to select either Westport or Lagrange, for the permanent seat of justice of said county, and for other purposes—reported the same without amendment.

The said bill having been amended, was ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act giving further time to sheriffs in this commonwealth to file their delinquent lists.

An act to change the name of Alonzo P. Buck.

An act to change the venue in the cases of Thomas and P. S. Outten.

An act to appoint trustees to the Union School in Caldwell county, and to make them a corporate body—with amendments to the two latter bills.

The passage of bills of the following titles:

An act for the benefit of the heirs of William Dorton, deceased.

An act authorising the erection of a bridge across main Licking river, at or near its junction with the Ohio river.

An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at June, 1834, of the general court.

An act to incorporate the Dock company, at Smithland.

And the Senate had received official information that the Governor did, on the 5th inst. approve and sign enrolled bills which originated in the Senate of the following titles:

An act to change the place of voting in one of the precincts in Cumberland county.

An act providing for the appointment of an additional constable in the county of Adair.

An act for the benefit of Jacob Spaw, and his children.

An act amendatory to an act, approved January 28, 1833, to authorise the Bourbon County Court, to levy a tax on the lands of the county.

An act to amend the charter of the bank of Louisville.

An act granting certain powers to Lincoln, Casey and Adair county courts.

An act declaring Goose creek navigable from Col. Garrard's salt well to the mouth of Otter creek.

An act to alter the time of holding certain courts.

An act for the benefit of Sophia Griggs.

An act further to regulate the town of Eddyville.

An act to establish a road from Harrodsburgh to Taylorsville.

An act to amend the law in relation to the erection of a bridge across Rockcastle river.

An act to amend an act entitled, an act to add a part of the land of Richard Forrest, to the town of Lebanon, approved November 15, 1831, and for other purposes.

Mr. Stevenson from the select committee to whom was referred a bill from the Senate entitled, an act to appoint a keeper or keepers of the Penitentiary, and for other purposes—reported the same with sundry amendments.

The first, second, and third of which being concurred in; the fourth amendment was then amended to read as follows:

"The said commissioners are also authorised to correct any errors that may be made manifest to them on the books of the institution."

And the question being taken on concurring in the amendment aforesaid, it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Williams and Stevenson, were as follows, viz:

YEAS—Messrs. Allen, Alsop, Barbour, Bradley, Clarke, Conway, Crockett, Crow, Culp, Dillon, Garnett, Hanson, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, Marshall, Morehead, Murrell, Ryon, Stevenson and Wigginton—23.

NAYS—Messrs. L. Anderson, Austin, Barlow, Brown, Burnett, Calvert, Cheek, Cochran, Coffman, Colyer, Culley, Cunningham, G. Davis, J. Davis, Duff, Dunlap, English, Gardner, Gatewood, Grundy, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, McClure, McGoodwin, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Paris, Parker, Phelps, Pope, Riffe, Sayers, Seaton, Shackelford, Sneed, Sterett, Stockton, Stone, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, Wickliffe, J. W. Williams, S. Williams and Wortham—66.

The remaining amendments being concurred in; the said bill was ordered to be read a third time as amended.

And thereupon the said bill having been read a third time as amended.

Resolved, That the said bill do pass as amended.

Ordered, That the Clerk inform the Senate thereof and request their concurrence in the said amendments.

Mr. Morehead from the committee of religion, made the following report:

The committee of religion have according to order, had under consideration the petitions of Rebecca Hanks, Sarah M. Carr, Henry H. Vaughn, John Payne and Abigail Josephs, severally praying for divorces, and have come to the following resolutions, thereon:

Resolved, That said petitions be severally rejected.

Which being twice read, were concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Seaton—1. A bill to regulate tolls on the Sandy road.

By the committee of propositions and grievances—2. A bill to improve the navigation of Barren river, and for other purposes.

3. A bill for the benefit of William M. Brake, and others.

By the committee for courts of justice—4. A bill concerning the recording of mortgages and deeds of trust.

By Mr. Alsop—5. A bill to incorporate the Fireman's insurance company of Louisville.

By Mr. Shackelford—6. A bill granting additional powers to the President and Directors of the Bank of Kentucky, for the purpose of closing the concerns of said Bank.

By Mr. Trimble—7. A bill for building a bridge across main Licking, at Claysville.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills (the fourth excepted) having been dispensed with; the first, second and third were severally ordered to be engrossed and read a third time; the fifth was committed to the committee for courts of justice; the sixth to the committee of ways and means; and the seventh to the committee of internal improvements.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, second and third bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. G. Morris from the select committee to whom was referred a bill from the Senate entitled, an act to establish the Bank of Kentucky—reported the same without amendment.

Ordered, That the said bill be postponed to, and made the special order for Monday next:

Mr. Calvert from the select committee to whom was referred a bill from the Senate entitled, an act to encourage the manufacture of Queensware—reported the same without amendment.

And the said bill ordered to be read a third time.

The said bill was then read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

A bill for the benefit of Edward H. Earle—was read a second time, and committed to the committee of claims.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of the petition of Francis R. Black.

Mr. Anderson from the committee of internal improvement, to whom was referred, a bill appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road—reported the same with an amendment.

Which being twice read, the house proceeded to consider the orders of the day.

When the resolutions proposing certain amendments to the constitution of the United States—were taken up and amended, to read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this State be instructed, and the Representatives be requested, to introduce the following propositions, as amendments to the Constitution of the United States, to be proposed by Congress to the Legislatures of the several States:

1st. The President of the United States shall be elected for the term of six years; and after the expiration of his term of service, shall be forever ineligible to that office. And whenever the office of President shall become vacant, from any cause whatever, the Vice President, or other person filling the office for the remainder of the term, shall also forever be ineligible to the office of President.

2nd. When a bill shall have passed both houses of Congress, it shall, before becoming a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated; where said objections shall be entered at large in its journal, and the said bill shall be reconsidered. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the President's objections, to the other House, by which it shall be reconsidered; and if approved by two thirds of that House, it shall become a law. But if, after said bill shall have been so returned by the President, it shall pass by a less majority than two thirds of either House, said bill shall then be laid on the table; and within twenty days next after the commencement of the first session of the ensuing Congress, shall be called up in both Houses, and if passed by a majority of all the members elect of both Houses, it shall become a law.

3rd. The President of the United States shall not remove any officer, in whose appointment the concurrence of the Senate shall be necessary; but, for sufficient cause, he may suspend any such officer from the exercise of the duties of his office; but he shall, within the first ten days after the commencement of the next session of the Senate, lay before that body the cause of such suspension. The cause of such suspension shall then be considered by the Senate; and if it shall be deemed sufficient, the officer so suspended, shall be adjudged to be removed from his office; but if the Senate shall consider the same insufficient, the suspension of said officer shall immediately cease, and he be restored to all the rights and privileges of his office.

It was then moved and reconded to lay the said resolutions on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wickliffe and Phelps, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culp, Dillon, English, Gardner, Harrison, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McGoodwin, May, Montgomery, Jas. Morgan, Perrin, Sayers, Stevenson, Stone, Ward, J. P. White, T. J. White, J. W. Williams and S. Williams—33.

NAYS—Messrs. Alsop, L. Anderson, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Conway, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Gatewood, Grundy, Hanson, Hinton, Hunton, Jonas, McClure, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Phelps, Ryon, Seaton, Shackelford, Sneed, Sterett, Stockton, Todd, Tompkins, Trimble, Underwood, Vanmetre, Watkins, D. White, Wickliffe, Wigginton and Wortham—47.

Mr. Phelps then moved to amend the second amendment proposed as an amendment to the constitution of the United States, by adding thereto the following words:

Provided however, That said bill which may have been so passed, shall not have for its object, the creation or continuance of any monied corporation, or Banking company.

And the question being taken on the amendment proposed, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Phelps and Trimble, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culp, Dillon, English, Harrison, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, May, Montgomery, Jas. Morgan, Perrin, Phelps, Sayres, Stevenson, Stone, Ward, J. P. White and T. J. White—30.

NAYS—Messrs. Alsop, L. Anderson, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Conway, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Garnett, Grundy, Hanson, J. L. Helm, T. J. Helm, Hinton, Jonas, McClure, McGoodwin, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Ryon, Seaton, Shackelford, Sterett, Stockton, Todd, Tompkins, Trimble, Underwood, Vanmetre, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—48.

It was moved and seconded, at five o'clock, P. M., that the house do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harrison and Gardner, were as follows, viz:

YEAS—Messrs. Allen, Calvert, Coffman, Crow, Cruse, Culp, English, Grundy, Harrison, Johnson of Livingston, Johnson of Scott, Marshall, Merrifield, Parker, Phelps, Sayers, Seaton, Sterrett, Stevenson, Trimble, D. White and T. J. White—22.

NAYS—Messrs. Alsop, L. Anderson, Austin, Barbour, Bradley, Barlow, Brown, Burnett, Byers, Cheek, Clarke, Cochran, Colyer, Conway, Crockett, Cunningham, G. Davis, J. Davis, Dillon, Duff, Garnett, Hanson, J. L. Helm, T. J. Helm, Henderson, Hinton, Hinton, Jasper, Jonas, Jones, McClure, May, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Perrin, Ryon, Shackelford, Sneed, Stone, Tompkins, J. P. White, Wickliffe, Wigginton and Wortham—46.

After some further discussion,

The House adjourned.

SATURDAY, FEBRUARY 8, 1834.

1. Mr. Marshall presented the memorial of Joel Scott, praying that some means may be adopted by the Legislature, for an adjustment of his accounts with the Commonwealth, as agent of the Penitentiary.

Which was received, read and referred to the committee for courts of justice.

A message was received from the Senate, announcing their disagreement to bills which originated in this house of the following titles:

An act to divorce Lavina Off.

An act for the benefit of Reubin Kemp.

And the passage of bills of the following titles:

An act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

An act concerning the town of Alexandria in Campbell county.

An act for the benefit of Spencer and Laurel county seminaries.

An act to establish an election precinct in Bourbon county, and authorising the Court to appoint a constable.

An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved December 25, 1820.

An act authorising the assistant Secretary of State, to sign patents.

An act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Charles F. Wing and Barnett Eades.

An act authorising the guardian of the heirs of Corbin Dorsey, deceased, to sell a negro woman.

An act to appoint trustees for the town of Williamstown, and for other purposes.

An act to change the name of Alonzo P. Buck.

An act to amend and reduce into one the several acts, constituting boards of internal improvements for Shelby and Franklin counties.

An act giving further time to sheriffs in this commonwealth to file their delinquent lists.

An act to allow additional constables to Logan, Hardin, Meade and Washington counties.

An act to provide for reviewing, opening and establishing a road from Frankfort to Williamstown, in Grant county.

An act to amend an act entitled, an act enlarging the town of Madisonville, in the county of Hopkins, approved January 25th 1833.

An act to amend the several acts to suppress the practice of duelling.

An act to encourage the publication of a new digest of the statute law of Kentucky.

An act for the benefit of Nelson Whites, and others.

Whereupon, the Speaker affixed his signature thereto.

The house took up for consideration the resolution for an adjournment of the General Assembly, which was laid on the table, on a former day of the session.

The said resolution having been amended, by striking out the 15th, and inserting the 21st February, as the day for an adjournment.

It was then moved to postpone the consideration of said resolution, until Saturday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Barlow and Marshall, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Culley, G. Davis, Dillon, Gardner, Haskin, Henderson, Hinton, Hunton, Johnson of Scott, Jonas, Marshall, May, J. W. S. Mitchell, R. Mitchell, Montgomery, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Stevenson, Tompkins, Trimble, Underwood, Wickliffe, Wigginton and S. Williams—39.

NAYS—MR. SPEAKER, Messrs. Barlow, Bradley, Burnett, Calvert, Clarke, Cochran, Coffman, Colyer, Crockett, Crow, Culp, Cunningham, J. Davis, Duff, English, Garnett, Gatewood, Grundy, Hanson, Heddleston, J. L. Helm, T. J. Helm, Irvine, Jas-

per, Johnson of Livingston, Jones, Knot, McClure, McGoodwin, Morehead, Jas. Morgan, Murrell, Paris, Ryon, Shackelford, Sneed, Sterett, Stockton, Stone, Watkins, A. S. White, D. White, J. P. White, J. W. Williams and Wortham—46.

The question was then taken on the adoption of the resolution as amended, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McGoodwin and Barlow, were as follows, viz:

YEAS—Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Cochran, Coffman, Colyer, Crockett, Crow, Cruse, Culp, Cunningham, J. Davis, Duff, English, Garnett, Gatewood, Grundy, Hanson, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Morehead, Jas. Morgan, Murrell, Paris, Ryon, Shackelford, Sterett, Stevenson, Stockton, Stone, Watkins, A. S. White, D. White, J. P. White, J. W. Williams, S. Williams and Wortham—54.

NAYS—MR. SPEAKER, Messrs. Alsop, L. Anderson, Barbour, Brown, Byers, Cheek, Culley, G. Davis, Dillon, Gardner, Marshall, May, J. W. S. Mitchell, R. Mitchell, Montgomery, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Sneed, Tompkins, Trimble, Underwood, Wickliffe and Wigginton—31.

It was then moved and seconded, that the Clerk be directed not to report said resolution to the Senate, until the further order of the house.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and L. Anderson, were as follows, viz:

YEAS—MR. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Austin, Brown, Byers, Cheek, Cochran, Coffman, Culley, Haskin, Hinton, Hunton, Irvine, Johnson of Scott, Jonas, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Sneed, Stockton, Tompkins, Underwood, Wickliffe and Wigginton—38.

NAYS—Messrs. Barbour, Barlow, Bradley, Burnett, Calvert, Clarke, Colyer, Crockett, Crow, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, English, Gardner, Garnett, Grundy, Hanson, Heddleston, J. L. Helm, T. J. Helm, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, Morehead, Jas. Morgan, Murrell, Paris, Riffe, Ryon, Shackelford, Sterett, Stone, Vanmetre, Ward, Watkins, D. White, J. P. White, J. W. Williams, S. Williams and Wortham—45.

Ordered, That the Clerk carry the said resolution to the Senate and request their concurrence.

The amendments proposed by the Senate to bills which originated in this house of the following titles, were then twice read and concurred in, viz:

An act to change the venue in the cases of Thomas and P. S. Outten.

An act to appoint trustees to the Union School in Caldwell county, and to make them a corporate body.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate entitled, an act to improve the South fork of the Kentucky river, from its junction with the north fork, to Goose creek salt works—was read a second time, and referred to the committee on internal improvements.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act for the benefit of the Cumberland Hospital.
2. An act for the benefit of Thomas Dorton, deceased.
3. An act authorising the erection of a bridge across main Licking river, at or near its junction with the Ohio river.
4. An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at the June term, 1834, of the general court.
5. An act to incorporate a Dock company, at Smithland.
6. An act for the benefit of the heirs, and legal representatives of James G. Lindsey, deceased.
7. An act concerning the town of Alexandria, in Campbell county.
8. An act for the benefit of Spencer and Laurel county seminaries.
9. An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable.
10. An act to repeal the fifth section of an act entitled, an act to regulate endorsements on executions, approved December 25, 1820.
11. An act authorising the assistant Secretary of State, to sign patents.
12. A bill to provide for the payment of subscriptions and appropriations, to objects of internal improvements.

And thereupon the rule of the house, constitutional provision and second reading of said bills having been dispensed with; the first, second, seventh, ninth and eleventh (the ninth having been amended) were ordered to be read a third time; the third was referred to the committee on internal improvements; the fourth, fifth, sixth and tenth were referred to the committee for courts of justice; the eighth (being amended at the Clerk's table) to the committee on education; and the twelfth to the committee of ways and means.

And thereupon the rule of the house, constitutional provision,

and third reading of the first, second, seventh, ninth and eleventh bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments to the ninth bill.

1. Mr. Phelps presented the petition of Moses Maxfield, and Eliza Maxfield, praying for the sale of a tract of land.

2. Mr. Garnett presented the petition of Willis Graves, praying for an allowance to James Stephenson, a person of unsound mind.

3. Mr. Shackleford presented the petition of Nancy Henderson, praying to be divorced from her husband, William Henderson.

4. Mr. Austin presented the petition of Angerona Green, praying for a divorce from her husband, Jonathan Green.

Which petitions were severally received, read and referred; the first to the committee for courts of justice; the second to the committee of claims; and the third and fourth to the committee on religion;

Leave was given to bring in the following bills, viz:

On the motion of Mr. Burnett—1. A bill for the benefit of Jesse Reed, of Trigg county.

On the motion of Mr. Wortham—2. A bill more effectually to prevent the obstruction of navigable streams in this Commonwealth.

The committee of propositions and grievances, were directed to prepare and bring in the first; and the committee of privileges and elections the second.

Mr. Wigginton from the committee appointed for that purpose, reported the following resolution:

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Mann Butler, Esq. is now engaged in writing a history of Kentucky; and that the Governor has recently obtained possession of a number of documents, relating to the early settlement and legislation of the country: wherefore,

Be it resolved by the Senate and House of Representatives, That the Secretary of State be, and he is hereby requested to furnish the said Butler, with copies of any such documents, free of cost, whenever called upon so to do.

And thereupon the rule of the house and constitutional provision, having been dispensed with, the said resolution was taken up, twice read and adopted.

Ordered, That the clerk carry the said resolution to the Senate and request their concurrence.

Mr. Helm from the select committee to whom was referred a

bill from the Senate entitled, an act to extend the bounds of Elizabeth, in Hardin county, Kentucky—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill, as amended, ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk carry said bill to the Senate, and request their concurrence in said amendment.

Mr. Helm from the select committee to whom was referred a bill from the Senate entitled, an act to amend an act to amend the law to establish a state road from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved January 15, 1831—reported the same without amendment.

The said bill was then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing the passage of a bill which originated in this house, entitled,

An act to increase the revenue—with amendments.

Mr. Hanson from the select committee to whom was referred, a bill for the benefit of William Mayo, made the following report:

The select committee of the House of Representatives, to whom was referred the bill of William Mayo, with instructions to report, in writing, such facts connected with the subject as, in the opinion of the committee, were important to a correct understanding, have, according to order, performed the duty assigned them, and submit the following report:

That it appears from a transcript from the Register's office of the state of Kentucky, that Mayo did, as alledged in his petition, enter, on the 24th day of November, 1781, his warrants for 11,000 acres of land; that by a certificate of the keeper of the Rolls of the state of Virginia, duly authenticated by the Governor, with the great seal of the state appended, it appears that the law appropriating the lands south west of the Tennessee river, to military purposes, passed the 2nd day of January, 1782, and consequently, after Mayo's entry was made; that by a decision of the Court of Appeals of Virginia, at the November term, and on the 21st day of November, 1791, previous to the separation of Kentucky, the case of Marshall and others, (officers) against George R. Clark, reported in Hughes' reports, it appears that it was lawful for Treasury warrants to be entered on said land, at the time Mayo's entry was made: And that the law appropriating the lands to mili-

tary purposes could not have a retrospective operation, and, of course, that entries made previously *were good and valid*: that by a letter from the surveyor employed by William Mayo, to him directed, it appears that a survey had been commenced according to law, and when more than half completed, the surveyor was discovered by the Indians and driven off: that, within the time allowed by law for surveying and returning plats and certificates, so as to enable the owner of an entry to obtain a patent, and at the next session of the legislature, subsequent to the above named transaction, the Legislature of Virginia, at their October session, 1784, passed a law authorising the Governor to suspend the surveying and taking possession of the lands that lie below the Tennessee river; and the Governor accordingly issued his proclamation forbidding it: that whilst this inhibition was on, viz: in the month of January, 1786, a treaty was made between the United States and the Chickasaw Indians, by which the Indians were permitted to hold possession of the lands, and their title was never extinguished until the treaty made on the 19th day of October, 1818, with the said tribe of Chickasaw Indians, by Gen. Jackson and Gov. Shelby.

From these facts it appears, that Mayo could not comply with the preliminary requirements of the act of 1779, establishing a land office, &c., so as to perfect his right, without violating the laws and treaty of the Government.

From statements made before the committee, and circumstances, they are of opinion Mayo did, immediately on the extinguishment of the Indian title, proceed to survey and mark the bounds of his entry, and take possession of the land thereby located, by tenants residing on various parts of it, particularly around the margin of the tract. That the committee heard statements from the agent of Mayo and others, justifying the belief that there is not, nor ever has been adverse, occupants of the land claimed by Mayo; on the contrary, that Mayo took possession, as alledged, and has maintained it up to the present time. It also appeared, by certificates from the Auditor, that the taxes have been paid by Mayo, upon his moiety of the lands, from 1827 up to 1832, and have been entered upon the commissioners book of Madison county, Ky. by the persons claiming the other moiety, from 1821 to the present time. That it appears from the journals of the house of Delegates of Virginia, for the session of 1820 and 1821, according to the report of the select committee, to whom was referred the memorial of the officers and soldiers of the Virginia lines, and concurred in by the house; that whilst the right of the officers and soldiers to demand of the Legislature of Kentucky, to have their entries surveyed and carried into grant was asserted, the right of Treasury warrant claimants upon entries made prior to the passage of the act of the 2nd day of January, 1782, to have

these rights perfected, was also asserted with equal confidence; (see report, page 188.) Why Kentucky did not make similar provision for Treasury warrant claims, no satisfactory reason appears to the committee; the faith of the state was, and is, as much pledged in the one case as the other. The committee find by reference to the journals of this house, in the year 1820, that a bill for surveying the Treasury warrant entries, was introduced by the committee of courts of justice, in pursuance to an order of the house, and was ordered to a second reading, and to be printed. It appears there was no farther disposition made of it, in consequence, it is presumed, of the termination of the session. From the report of the same committee, it is also ascertained, that there are entries to the amount of 131,540 acres, made prior to the passage of the act of the 2nd day of January, 1782, upon Treasury warrants, south west of the Tennessee river. From copies of entries from the Register of the land office, exhibited to the committee, it appears, that of this amount, there is an entry of 101,920 acres, made by George R. Clarke, in behalf of the state of Virginia, which the committee believe has always been regarded as no appropriation of land; but as the entry was made in behalf of the state of Virginia, and not in the name of any private individual, that state conveyed her right to the land, by the compact to Kentucky, at the time of her separation; and whether said entry vested any right or not, Kentucky became the rightful owner of the soil. There are four entries, amounting to 2700 acres, located within the bounds of the land patented to George R. Clarke by the state of Virginia, leaving but two other entries besides Mayo's, one of 3920 acres in the name of George R. Clark, the other of 12000 acres in the name of Wooldridge. The committee have no evidence that, persons claiming under those two entries, have entered upon or exercised any acts of ownership over the land; but on the contrary, from statements made by the members of the Legislature from that part of the state, and by others, it appears that the land has been entered, and is now in possession of persons who have purchased from the state of Kentucky. The committee have been thus particular, on this branch of the subject, because some of the house expressed an apprehension that the passage of this bill would open a door for future legislation on a numerous class of entries similarly situated; but as the land sold by the state is surrendered, by a clause in Mayo's bill, said bill cannot be set up as a precedent, on any future application.

And your committee recommend the adoption of an amendment to the second section of the bill, as contained in memorandum, A.

The amendment reported by said committee, having been twice read and concurred in—the said bill was laid on the table.

Mr. Trimble from the minority of said committee, made the following counter report:

As one of the members of the committee, to whom was referred the bill for the benefit of William Mayo, I feel myself constrained to dissent from the report made by a majority of the committee.

I deny that the Court of Appeals of Virginia did decide "that it was lawful for Treasury warrants to be entered on the land claimed by said Mayo, at the time his entry was made." The case referred to in the report, is a caveat, in which the superintendents of the Virginia state line were plaintiffs, and George Rodgers Clark was defendant, and in which several questions were adjourned from the Supreme Court of the then district of Kentucky, to the Court of Appeals of Virginia. The first question adjourned to that Court, is as follows: "Are the lands within the chartered limits of this Commonwealth, bounded by the North-Carolina line, the Tennessee, Ohio and Mississippi rivers, on which the defendants entry has been made, the same which are excepted and reserved from the location of Treasury land warrants, and described as being in the country and limits of the Cherokee Indians, by the act of Assembly, entitled, an act for establishing a Land office, and ascertaining the terms and manner of granting waste and unappropriated lands?" To which the Court made the following response: "The first question seems, to the Court, to be a mere matter of fact, to be decided upon by evidence, none of which is stated, nor hath it been supplied in the Court of Appeals, by any law, charter or treaty, produced or suggested, which ascertains what was the country and limits of the Cherokee Indians, in 1779. *No solution of this question can be given*, except that it is the opinion of this Court, that the party whose interest it is to extend the exception to the land in dispute, must prove the land to be within the description of that exception." The concluding sentence of the response, given by the Court to the second question, is as follows: "It is the opinion of the Court, that the lands within the country described, were liable to the location of any citizen upon Treasury warrants, *provided it did not interfere with any of the exceptions, or reservations mentioned in the act.*" But whether the land was within any of the exceptions or reservations, mentioned in the act, was a question which the Court did not decide. On the contrary, the Court expressly say, that "no solution of that question could be given." With respect to the payment of the taxes on the land by Mayo, the Auditor's certificate is as follows: "It appears from the books in the Auditor's office, that the taxes on 5500 acres of land, a part of an 11000 acre survey, lying in the county of Livingston, on the Tennessee river, have been paid from 1828 to 1832, by William Mayo, including both years." The Auditor's certificate therefore, only shews that the taxes were paid by Mayo,

for four years. It further appears, that by an act of Assembly passed December 26th, 1820, (2 dig. L. K. 818—session acts 197) that the surveyor of the lands set apart for the satisfaction of the legal bounties of the officers and soldiers of the Virginia line, or state establishment, was authorised and required by himself, or his deputies, to procure chain carriers, and to survey, without delay, all entries made in his office prior to the first day of May, 1792, on warrants for military services, &c. That on the 5th of June, 1824, a survey was made in the name of Thomas Upshaw, for 4000 acres of land, by virtue of an entry made August 6th, 1784, upon a military warrant, that a patent issued thereon, on the 30th of August, 1826, to John Snider, and that two men of the name of Jones now claim the land under Snider's patent. That William Mayo's entry covers about one half of the land included within Snider's patent. It also covers the greater part of a tract of 2166 acres, patented in the name of William Brooks; also the greater part of a tract patented in the name of Mure and Black, for 1000 acres; and the whole of a tract of 900 acres, patented in the name of J. Hooper, all of which patents were issued upon surveys made upon entries founded on military warrants. It also appeared that about three years ago, a certain Leonard Jones, as the agent of the two Jones', who claim Snider's military tract, made leases to three men for portions of said tract, which was included within Mayo's entry; that the persons to whom said leases were made by said Jones, were then in the possession of the land, and claimed to hold possession under Snider's patent. It further appeared that the same persons had, before that time, taken leases for the same land, from the agent of Green Clay, who claimed one half of Mayo's entry. From the journal of the Senate at the late session it appears that a petition was presented to that body by Mr. Taylor, a member thereof, representing that the state of Virginia had delivered to George Rodgers Clark a number of land warrants for the purpose of raising funds, to enable him to carry on an expedition against the hostile Indians; and that said Clark caused to be located west of the Tennessee river, some of those warrants, to the amount of 101,920 acres, in the name and for the benefit of the state of Virginia; that Joseph Lindsey (who intermarried with the petitioner's mother) being the Commissary to the army, commanded by said Clark, upon the faith and with the understanding, that he was to be paid out of said 101,920 acres of land, agreed with Gen. Clarke, and accordingly did furnish supplies to the troops, and was in a short time thereafter killed at the battle of the Blue Licks, without ever having received any compensation for his services, or return of advances of money, made by him to obtain those supplies. That said Lindsey devised to his wife, Ann Lindsey, the claim aforesaid among other things, who transferred one half to Oswald Thomas, and the other half to the

petitioner, to whom the claim of said Thomas, has been regularly transferred. That the papers of said Lindsey, after his death, were delivered to Gen. Clark, with a view to a settlement of said Lindsey's accounts, and have since been missing; and praying that a law may pass, granting to him the said 101,920 acres of land, or such portion thereof, as he may be found entitled to. See Journal of the Senate, for 1832, page 63.

It further appeared to the committee, that a large portion of the land, included within the aforesaid entry of 101,920 acres, is also covered by entries made upon military warrants, which have been surveyed and patented under the act of December 26th, 1820. From the information given to the committee, there is reason to believe that Mayo's entry covers several other military claims, besides those heretofore mentioned; but on that subject, no certain information could be obtained. I have also reason to believe, from information given to the committee, that some of the persons who now reside within the bounds of Mayo's entry, first settled there with an intention of entering the land, under the law of this state, but had been afterwards induced to take protection under Mayo's claim. It appears from the journal of the House of Representatives, for the year 1820, that the committee for courts of justice, on the 6th December of that year, made a report to the house, in which they recommended the adoption of the following resolutions:

1. *Resolved*, That provision ought to be made by law for the examination and final determination of all claims to land west of the Tennessee river, where the Commonwealth is a party.

2. *Resolved*, That no grant ought to issue to claimants under Treasury warrants, west of the Tennessee river, before the question of right is examined and decided by the judicial authority.

Which resolutions were concurred in by the house. See journal of the House of Representatives, for 1820, page 235.

Ordered, That the select committee to whom was referred a bill from the Senate, entitled, an act to amend an act entitled, an act to incorporate the trustees of the Augusta College, approved December 7, 1822, be discharged from the further consideration of said bill; and that the same be referred to the committee on education.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Marshall—1. A bill to incorporate the Buckrun academy.

By Mr. D. White—2. A bill for the benefit of Jesse Walker, and others.

By Mr. J. L. Helm—3. A bill to repeal in part, and amend an act entitled, an act for the endowment of a seminary of learning in the town of Brandenburg, in Meade county, and for other purposes.

By Mr. Ward—4. A bill to amend an act entitled, an act to compel a speedy adjustment of land claims, approved February 9, 1809.

By Mr. May—5. A bill to provide for paying grand jurors in this Commonwealth.

By Mr. English—6. A bill to establish a road from Owenton to Warsaw in Gallatin county.

By Mr. Stone—7. A bill to allow the several owners of lands in this Commonwealth the liberty of paying the tax due thereon, which have been stricken off to the state, for the non-payment of tax by the former owners.

By Mr. Harrison—8. A bill to authorise the county court of Jefferson to dispose of the public property in the city of Louisville.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills (the eighth excepted) having been dispensed with; the first, second, third and sixth, (the third being amended at the Clerk's table) were severally ordered to be engrossed and read a third time; the fourth was committed to the committee for courts of justice; the fifth to a select committee of Messrs. Phelps, May, Jonas and Hunton; and the seventh to the committee of ways and means.

And thereupon, the rule of the house, constitutional provision and third reading of the first, second, third and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The yeas and nays being required on the passage of the third bill by Messrs. Calvert and Helm, were as follows, viz:

YEAS—MR. SPEAKER, MESSRS. Alsop, L. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Byers, Cheek, Cochran, Coffman, Colyer, Crow, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Garnett, Grundy, Hanson, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Johnson of Scott, Jonas, Jones, Knot, Marshall, May, J. W. S. Mitchell, R. Mitchell, Morehead, Jas. Morgan, J. S. Morgan, Murrell, Parker, Perrin, Phelps, Riffe, Ryon, Sayers, Seaton, Stevenson, Stockton, Tompkins, Trimble, Vanmetre, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wortham—60.

NAYS—Messrs. Burnett, Calvert, Clarke, Crockett, Cruse, English, Gardner, Gatewood, Jasper, Johnson of Livingston, McClure, McGoodwin, Shackelford, Sneed, Sterett, Stone, Underwood, Ward and J. W. Williams—19.

The house resumed the consideration of the resolutions, submitting certain amendments to the consideration of Congress to be proposed as amendments to the Constitution of the United States.

Mr. Cheek then moved the following as a substitute for the second amendment proposed, viz:

Every bill which shall have passed both houses of Congress, shall be presented to the President, if he approve, he shall sign it, but if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall, likewise be considered, and if approved by a majority of the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted,) after it shall have been presented to him, it shall be a law in like manner, as if he had signed it, unless Congress, by their adjournment prevent its return; in which case it shall be a law, unless sent back within ten days after their next meeting.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cheek and Marshall, were as follows, viz:

YEAS—Messrs. L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Cochran, Conway, Crockett, Cunningham, Duff, Grundy, Hunton, Jonas, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Seaton, Shackelford, Sneed, Sterett, Stockton, Tompkins, Underwood, Vanmetre, Watkins, D. White, Wickliffe, J. W. Williams, S. Williams and Wortham—35.

NAYS—Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Colyer, Crow, Cruse, Culley, Culp, G. Davis, J. Davis, Dillon, Gardner, Garnett, Gatewood, Hanson, Harrison, J. L. Helm, Henderson, Hinton, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, G. Morris, Perrin, Phelps, Pope, Ryon, Sayers, Stevenson, Stone, Trimble, J. P. White and T. J. White—41.

The first amendment proposed, was then amended to read as follows:

"The President of the United States shall be elected for a term, *not exceeding six years*; and after the expiration of his term of service, shall be forever ineligible to that office."

Mr. Johnson (of Scott) then moved to amend the said proposition as amended, by striking out "*not exceeding six*," and inserting the word "*four*."

And the question being taken on the adoption of the proposed amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Williams and Johnson, were as follows, viz:

YEAS—Messrs. Barlow, Bradley, Burnett, Calvert, Clarke, Cochran, Coffman, Colyer, Culp, J. Davis, Gardner, Garnett, Gatewood, Hanson, Harrison, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, McClure, McGoodwin, Marshall, May, J. W. S. Mitchell, R. Mitchell, Morehead, J. S. Morgan, Murrell, Perrin, Pope, Ryon, Stevenson, Stone, Trimble, Underwood, J. P. White, J. W. Williams and S. Williams—39.

NAYS—Messrs. A. Anderson, L. Anderson, Austin, Barbour, Brown, Byers, Cheek, Crockett, Cruse, Culley, Cunningham, G. Davis, Dillon, Duff, Grundy, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, Montgomery, J. Morgan, D. Morris, G. Morris, Parker, Phelps, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Tompkins, Vanmetre, Ward, Watkins, D. White, T. J. White, Wickliffe and Wortham—41.

The question was then taken on the adoption of the first proposed amendment to the Constitution as amended, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. G. Davis and Gardner, were as follows, viz:

YEAS—Messrs. L. Anderson, Austin, Barbour, Brown, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Colyer, Crockett, Culley, Culp, Cunningham, G. Davis, J. Davis, Duff, Garnett, Gatewood, Grundy, Hanson, Harrison, J. L. Helm, T. J. Helm, Hinton, Hunton, Jonas, McClure, Marshall, J. W. S. Mitchell, R. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Phelps, Ryon, Sayers, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, D. White, Wickliffe, J. W. Williams, S. Williams and Wortham—60.

NAYS—Messrs. A. Anderson, Barlow, Bradley, Coffman, Crow, Cruse, Dillon, Gardner, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, Montgomery, J. Morgan, Pope, Seaton, J. P. White and T. J. White—20.

The question was then taken on the adoption of the second proposed amendment to the Constitution, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Marshall and Davis, were as follows, viz:

YEAS—Messrs. L. Anderson, Austin, Barbour, Byers, Cheek, Cochran, Colyer, Crockett, Culp, Cunningham, G. Davis, J. Da-

vis, Duff, Garnett, Gatewood, Grundy, Hanson, T. J. Helm, Hinton, Hunton, Johnson of Scott, Jonas, Knot, Morehead, J. S. Morgan D. Morris, G. Morris, Murrell, Parker, Ryon, Slaughter, Stockton, Underwood, Vanmetre, Ward, S. Williams and Wortham—37.

NAYS—Messrs. A. Anderson, Barlow, Bradley, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Dillon, Gardner, Harrison J. L. Helm, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, Marshall, May, J. W. S. Mitchell, R. Mitchell, Montgomery, J. Morgan, Perrin, Phelps, Sayers, Seaton, Shackleford, Sneed, Sterett, Stevenson, Stone, Tompkins Trimble, Watkins, D. White, J. P. White, T. J. White and J. W. Williams—40.

Mr. Davis then moved to amend the third proposed amendment, by inserting after the word "*necessary*," in the second line, the words "*except the members of his Cabinet*."

The previous question was then called for, and the question was accordingly put—"Shall the main question be now put?" which was decided in the negative.

The yeas and nays being required thereon by Messrs. Crow and Davis, were as follows, viz:

YEAS—Messrs. A. Anderson, Barlow Bradley, Calvert, Clarke, Coffman, Crow, Cruse, Culp, Dillon, Gardner Harrison Henderson, Jasper, Johnson of Livingston, Montgomery, J. Morgan, Perrin, Sayers, Stone and J. P. White—21

NAYS—Messrs. Austin, Barbour Brown, Burnett, Cheek, Cochran, Colyer, Crockett, Culley, Cunningham, G. Davis, J. Davis, Duff, Garnett, Gatewood, Grundy, Hanson, Heddleston, T. J. Helm, Hinton, Hunton, Johnson of Scott, Jonas, McClure, Marshall, May, J. W. S. Mitchell, R. Mitchell, Morehead J. S. Morgan, D. Morris G. Morris, Murrell, Parker, Phelps Ryon, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, D. White, T. J. White, Wigginton, J. W. Williams S. Williams and Wortham—56.

The question was then put on the adoption of the said amendment, offered by Mr. Davis, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Williams and Davis, were as follows, viz:

YEAS—Messrs. L. Anderson, Austin, Brown, Burnett, Byers, Calvert, Clarke, Cochran, Colyer, Crockett, Cunningham, G. Davis, J. Davis, Gardner, Gatewood, Hanson, Harrison, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Jonas, McClure, Marshall, Montgomery, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Phelps, Ryon, Sayers, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Ward, D. White, J. P. White, J. W. Williams and Wortham—48.

NAYS—Messrs. A. Anderson, Barbour, Barlow, Bradley,

Cheek, Coffman, Crow, Cruse, Culley, Dillon, Duff, Garnett, Grundy, Johnson of Livingston, Johnson of Scott, McGoodwin, May, J. W. S. Mitchell, R. Mitchell, Jas. Morgan, Perrin, Seaton, Shackelford, Stevenson, Stone, Trimble, Watkins, Wickliffe, Wigginton and S. Williams—30.

Mr. Gardner again moved the previous question: and the question was put—Shall the main question be now put? which was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Gardner, were as follows, viz:

YEAS—Messrs. A. Anderson, Barlow, Calvert, Clarke, Coffman, Crow, Cruse, Culp, Dillon, Gardner, Harrison, Henderson, Jasper, Johnson of Livingston, McGoodwin, Montgomery, J. Morgan, Perrin, Sayers, Stone, Ward, J. P. White and T. J. White—23.

NAYS—Messrs. L. Anderson, Austin, Barbour, Bradley, Brown, Burnett, Byers, Cheek, Cochran, Colyer, Crockett, Culley, Cunningham, G. Davis, J. Davis, Duff, Garnett, Gatewood, Grundy, Hanson, J. L. Helm, T. J. Helm, Hinton, Hunton, Johnson of Scott, Jonas, McClure, Marshall, May, J. W. S. Mitchell, R. Mitchell, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Phelps, Ryon, Seaton, Shackelford, Slaughter Sneed, Sterett, Stevenson, Stockton, Tompkins, Trimble, Underwood, Vanmetre, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—56.

Mr. Phelps then moved further to amend the said third proposed amendment, by inserting after the words "*except the members of his Cabinet*," the words "*and except the Marshal's of the several districts of the United States*."

And the question being taken on the adoption of the proposed amendment it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dillon and Phelps, were as follows, viz:

YEAS—Messrs. Burnett, Calvert, Clarke, Culley, Dillon, McGoodwin, R. Mitchell, Jas. Morgan, Phelps, Sayers, Stevenson, Trimble and J. P. White—13.

NAYS—Messrs. Austin, Barbour, Barlow, Bradley, Brown, Byers, Cheek, Cochran, Coffman, Colyer, Crockett, Crow, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Gardner, Garnett, Gatewood, Grundy, Heddleston, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Johnson of Livingston, Jonas, Jones, McClure, Marshall, May, Merrifield, Montgomery, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Perrin, Rifle, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Stone, Todd, Tompkins, Vanmetre, Ward, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—61.

The question was then taken on the adoption of the third proposed amendment to the Constitution, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davis and Helm, were as follows, viz:

YEAS—Messrs. Austin, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Crockett, Cunningham, G. Davis, Duff, Garnett, Gatewood, Hanson, Heddleston, T. J. Helm, Hinton, Jonas, Jones, McClure, Marshall, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—44.

NAYS—Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, J. Davis, Dillon, Gardner, Grundy, Harrison, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, Paris, Perrin, Phelps, Sayers, Shackelford, Stevenson, Stone, Trimble and J. P. White—35.

Mr. Wickliffe then moved the following as an additional amendment, to be proposed as an amendment to the Constitution of the United States, viz: "*That no Senator or member of the House of Representatives of the Congress of the United States, shall be eligible to any office or appointment by the President of the United States, during the period for which such Senator or Representative shall have been elected, and for twelve months thereafter.*"

And the question being taken on the adoption of the proposed amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Marshall, were as follows, viz:

YEAS—Messrs. Austin, Brown, Byers, Cheek, Cochran, Coffman, Colyer, Crockett, Culley, Cunningham, G. Davis, Duff, Garnett, Gatewood, Hanson, Heddleston, T. J. Helm, Hinton, Jonas, Jones, McClure, Marshall, J. W. S. Mitchell, R. Mitchell, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Phelps, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Vanmetre, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—47.

NAYS—Mr. SPEAKER, Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Crow, Cruse, Culp, J. Davis, Dillon, Gardner, Grundy, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, Montgomery, Jas. Morgan, Paris, Perrin, Sayers, Stevenson, Stone, Tompkins, Trimble, Ward and J. P. White—32.

Mr. G. Davis from the majority on the vote, by which the substitute offered by Mr. Cheek to the second amendment, was rejected; moved a reconsideration of said vote,

And the question being taken, on reconsidering the vote aforesaid, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Davis and Cheek, were as follows, viz:

YEAS—Messrs. Austin, Barbour, Brown, Byers, Cheek, Cochran, Crockett, Cunningham, G. Davis, J. Davis, Duff, Grundy, Hanson, Heddleston, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—45.

NAYS—MR. SPEAKER, Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Colyer, Crow, Cruse, Culley, Culp, Dillon, Gardner, Harrison, Henderson, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, R. Mitchell, Montgomery, Jas. Morgan, Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Trimble and J. P. White—34.

The question was then again put on the adoption of the substitute aforesaid, in lieu of the second proposed amendment, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Phelps and Cheek, were as follows, viz:

YEAS—Messrs. Austin, Barbour, Brown, Byers, Cheek, Cochran, Colyer, Crockett, Cunningham, G. Davis, Duff, Grundy, Hanson, Heddleston, T. J. Helm, Hinton, Hunton, Jonas, Jones, McClure, Marshall, Morehead, J. S. Morgan, D. Morris, Murrell, Parker, Riffe, Ryon, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, D. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—45.

NAYS—MR. SPEAKER, Messrs. A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Crow, Cruse, Culley, Culp, J. Davis, Dillon, Gardner, Harrison, J. L. Helm, Jasper, Johnson of Livingston, Johnson of Scott, McGoodwin, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, Paris, Perrin, Phelps, Sayers, Stevenson, Stone, Trimble and J. P. White—34.

Ordered, That the clerk carry the said resolutions to the Senate and request their concurrence.

And then the House adjourned.

MONDAY, FEBRUARY 10, 1834.

1. Mr. J. Davis presented the petition of sundry citizens of Montgomery county, praying for the establishment of an election precinct in said county.

2. Mr. Pope presented the petition of Lewis Snap, and sundry other citizens of Bullitt, Nelson, Jefferson and Spencer counties, praying that the obstructions to the streets of Mount Washington, may be removed—also, the remonstrance of the trustees of said town.

3. Mr. G. Davis presented the petition of William Thomas, praying for the donation of a small sum of money, to support him in his old age.

4. Mr. T. J. Helm presented the petition of Samuel Scott and wife, praying for the passage of a law to sell a lot of ground in Glasgow.

5. Also the petition of sundry citizens of Barren and Edmonson counties, praying the donation of a small piece of vacant land, upon which to erect a seminary of learning and church.

6. Mr. Johnson (of Livingston,) presented the petition of sundry citizens of said county, praying for the passage of a law, abolishing capital punishments.

The said petitions were severally received, the reading thereof dispensed with and referred; the first to the committee of privileges and elections; the second, third and fifth to the committee of propositions and grievances; the fourth and sixth to the committee for courts of justice.

Mr. Helm from the committee of claims, to whom was referred a bill entitled, an act for the benefit of Edward H. Earle—reported the same with an amendment.

Which being twice read, was concurred in.

And said bill was ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be amended, by inserting the words, "and others."

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Helm from the same committee, made the following report—which being twice read was concurred in.

The committee of claims have had under consideration the leave granted to bring in a bill for the benefit of Thomas Brand, and have come to the following resolution:

Resolved, That a bill ought not to pass for his benefit.

Mr. Wickliffe from the committee for courts of justice, to whom

was referred a bill from the Senate, entitled, an act providing for a change of venue in the prosecution against Thomas W. Harris—reported the same with an amendment.

Which being twice read, was concurred in.

And said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bill as amended do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

Mr. Morehead from the committee of religion, made the following report:

The committee of religion to whom was referred the petitions of John A. Bowling, John Seeders, Amelia Vice and Emma M. Duncan, severally praying for a divorce, have had the same under consideration, and come to the following resolution:

Resolved, That the said petitions be rejected.

Which being twice read, was concurred in.

A message was received from the Senate, announcing that the Senate recede from their amendments proposed to a bill which originated in this house, entitled,

An act authorising the taking of depositions in a summary way, to perpetuate testimony.

Their concurrence in the amendments proposed by this house, to bills which originated in the Senate of the following titles:

An act to amend an act entitled, an act to incorporate the Louisville Hotel Company.

An act incorporating the Maysville Insurance Company.

An act for the benefit of the sheriff of Washington county.

An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Harlan county.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

An act appropriating some of the vacant lands in certain counties for the improvement of their roads.

An act changing the time of holding the Logan County Court—with an amendment to the amendment proposed by this house to the latter bill.

The passage of bills which originated in this house, of the following titles:

An act for the benefit of the heirs of John Gray, deceased.

An act to establish a state road from the town of Owenborough, on the Ohio river, by the way of the mouth of Rough creek, and Greenville, to Hopkinsville.

An act to establish the town of Feliciana, in Graves county.

And the passage of bills which originated in the Senate of the following titles:

An act providing for the sale of the lands of James Tutt, deceased.

An act regulating the tax on merchandise.

An act for the benefit of the heirs of James G. Kelley, deceased.

An act to legalise the proceedings of the Casey County Court.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to establish election precincts in Green and Mercer counties.

An act to appropriate some of the vacant lands of this state to the improvement of the public highways thereof.

An act to extend the powers of the town of Washington, in the county of Mason.

An act to incorporate the Union School in Cumberland county, Kentucky.

An act to increase the number of justices of the peace in the counties of Pulaski and Wayne.

An act authorising the assistant Secretary of State, to sign patents.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A bill regulating the mode of settling the accounts of executors, administrators and guardians—was read a second time, and committed to the committee for courts of justice.

Mr. Hanson from the committee of ways and means, to whom was referred a bill from the Senate, entitled an act to provide for the payment of subscriptions and appropriations to objects of internal improvements—reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Anderson from the committee of internal improvement, to whom was referred a bill entitled, an act for building a bridge across main Licking, at Claysville—reported the same without amendment.

Ordered, That said bill be engrossed and read a third time on to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Coffman—1. A bill for the benefit of the sheriff of Muhlenburgh county.

By the committee for courts of justice—2. A bill authorising the appointment of Clerk's in vacation.

By the committee of religion—3. A bill for the benefit of William A. Taylor.

4. A bill to amend and reduce into one, the laws concerning divorces and alimony.

By the committee on military affairs—5. A bill concerning the troop of Cavalry, attached to the 7th Regiment and 13th brigade Kentucky Militia.

By Mr. Garnett—6. A bill to repeal an act entitled, an act for the benefit of Boone academy, approved January 2nd, 1833.

By Mr. Colyer—7. A bill for the benefit of John H. Slaught-
ter.

Which bills were severally received and read the first time; and the first, second, fourth, fifth, sixth and seventh ordered to be read a second time; and the question being taken on reading the third bill a second time, it was decided in the negative, and so the said bill was rejected.

And thereupon, the rule of the house, constitutional provision, and second reading of the first, second, fourth and fifth bills having been dispensed with; the first, second, fifth, sixth and seventh were severally ordered to be engrossed and read a third time; and the fourth was committed to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, fifth, sixth and seventh having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Morgan from the select committee to whom was referred an engrossed bill entitled, an act to incorporate a company to turnpike the road from Frankfort, to the mouth of big Sandy river, by way of Georgetown, Paris, Carlisle, Flemingsburg, Clarksburg and Greenupsburg—reported the same without amendment.

Ordered, That the said bill be referred to the committee on internal improvements, with instructions to report two several bills, embracing the provisions of said bill.

Mr. Phelps from the select committee to whom was referred a bill entitled, an act to provide for paying grand jurors in this Commonwealth—reported the same with amendments.

The order of the day having been called for, the house proceeded to consider the amendments proposed by the Senate, to a bill which originated in this house, entitled, "an act to increase the revenue."

It was then moved and seconded to lay the said bill on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and Hanson, were as follows, viz:

YEAS—Messrs. Barlow, Bradley, Brown, Conway, J. Davis, Duff, English, Gardner, T. J. Helm, Henderson, Irvine, Jasper, McClure, R. Mitchell, Montgomery, Morehead, Nuttall, Paris, Perrin, Stone, J. W. Williams and Wortham—22.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Austin, Barbour, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Crockett, Crow, Culp, Cunningham, G. Davis, Garnett, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wilson—69.

The first amendment proposed by the Senate to said bill, was then read as follows, viz: (strike out the second section of the bill which is in the following words:)

§ 2. *Be it further enacted*, That the Cashier of the Louisville Bank of Kentucky, shall, on the first day of July, 1834, and on the same day annually thereafter, pay into the public Treasury, forty cents on each share, held by the stockholders in said Bank.

And the question being taken on concurring in the said amendment of the Senate, it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required on the said amendment by Messrs. _____ and D. Morris, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, L. Anderson, Austin, Calvert, Conway, Crockett, Culley, English, Harrison, Henderson, Irvine, Jasper, J. W. S. Mitchell, Nuttall, Seaton, Underwood, Vanmetre and Wigginton—19.

NAYS—Messrs. Barbour, Barlow, Bradley, Brown, Byers, Cheek, Clarke, Cochran, Coffman, Colyer, Crow, Cruse, Culp, Cunningham, G. Davis, J. Davis, Duff, Gardner, Garnett, Gatewood, Grundy, Hanson, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, R. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Paris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble, Ward, Watkins, D. White, J. P. White, T. J. White, Wickliffe, J. W. Williams, Wilson and Wortham—70.

The second amendment proposed by the Senate, was then read as follows, viz:

Be it further enacted, That hereafter there shall be paid on cat-

tle, the same ad valorem tax, to which horses are, or shall be subjected; and that every person shall include in his, or her list of taxable property, his or her cattle, except to the value of fifty dollars, in the same manner, and under the same regulations that horses are now required to be listed for taxation.

Mr. Hanson then moved the previous question, on concurring in the said amendment proposed by the Senate.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. G. Davis and Hanson, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, Austin, Barbour, Bradley, Byers, Calvert, Cheek, Cochran, Colyer, Crockett, Cruse, Culley, Culp, Duff, English, Gatewood, Hanson, Harrison, Heddleston, J. L. Helm, Hunton, Irvine, Johnson of Livingston, Jonas, Jones, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, Morehead, Jas. Morgan, D. Morris, Murrell, Parker, Pope, Riffe, Ryon, Sayers, Shackelford, Slaughter, Sneed, Stone, Tompkins, Underwood, Vanmetre, Ward, Watkins, D. White, J. P. White, T. J. White, Wilson and Wortham—54.

NAYS—Messrs. L. Anderson, Barlow, Brown, Clarke, Coffman, Crow, Cunningham, G. Davis, J. Davis, Gardner, Garnett, Grundy, T. J. Helm, Henderson, Hinton, Jasper, Johnson of Scott, McClure, McGoodwin, R. Mitchell, J. S. Morgan, G. Morris, Nuttall, Paris, Perrin, Phelps, Seaton, Sterett, Stevenson, Stockton, Trimble, Wickliffe, Wigginton and J. W. Williams—34.

The question was then taken on agreeing to the second amendment proposed by the Senate, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and D. Morris, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, Austin, Barbour, Brown, Byers, Calvert, Cheek, Cochran, Colyer, Crockett, Culley, Cunningham, G. Davis, English, Gardner, Gatewood, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, Knot, Marshall, Merrifield, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Parker, Phelps, Riffe, Ryon, Sayers, Shackelford, Slaughter, Sneed, Stockton, Tompkins, Underwood, Vanmetre, Ward, Watkins, J. P. White, T. J. White, Wickliffe, Wigginton and Wortham—57.

NAYS—Messrs. L. Anderson, Barlow, Bradley, Clarke, Coffman, Crow, Cruse, Culp, J. Davis, Duff, Garnett, Grundy, Henderson, Jasper, Jones, McClure, McGoodwin, May, J. W. S. Mitchell, R. Mitchell, Morehead, Paris, Perrin, Pope, Seaton, Sterett, Stevenson, Stone, Trimble, D. White, J. W. Williams and Wilson—32.

Ordered, That the Clerk inform the Senate thereof.

Ordered, That Messrs. Seaton, Stevenson, T. J. Helm, Jonas and Crow, be appointed a committee on the part of this house to examine the Treasurer's office.

Ordered, That Mr. Seaton inform the Senate thereof.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did, on the 7th inst., approve and sign enrolled bills which originated in the House of Representatives of the following titles:

An act to amend an act entitled, an act for incorporating the Hartford bridge company, approved December 5, 1823.

An act to incorporate the Bowlinggreen female academy.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

An act to amend an act, concerning head right certificates.

An act to allow two additional justices of the peace for Muhlenburgh county, and for other purposes.

An act allowing to the county of Christian, an additional justice of the peace, and for other purposes.

An act to alter the time of holding the Hickman and Graves Circuit Courts, and for other purposes.

An act to establish an election precinct in the town of Ghent, in Gallatin county, and for other purposes.

An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29, 1830.

An act to authorise the insertion of advertisements in the Record of the Times.

An act for the benefit of the Grand Lodge of Kentucky.

An act to establish an election precinct in Shelby county.

An act to establish the Shelbyville library company.

An act for the benefit of Samuel Payne, and the heirs and representatives of John Pattie, deceased.

An act for the benefit of John A. and Charles A. Bailey.

An act for the benefit of Edward Brown.

An act to authorise the trustees of the African Church in Lexington, to convey a house to Sarah Sayre.

And on the 8th inst. he approved and signed enrolled bills which originated in the same house, of the following titles:

An act to establish a Turnpike road company from Pikeville to the Virginia state, line at or near the head of Elkhorn.

An act for the benefit of the London Seminary, in Laurel county.

An act to establish an election precinct in the county of Union, and to change the place of voting at a precinct in the county of McCracken.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

An act for the benefit of Margaret Gorman.

An act to authorise the opening of a road from Flat Rock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville.

An act to amend and reduce into one the several acts, constituting boards of internal improvements for Shelby and Franklin counties.

An act to appoint trustees for the town of Williamstown, and for other purposes.

An act authorising the guardian of the heirs of Corbin Dorsey, to sell a negro woman.

An act for the benefit of Charles F. Wing and Barnett Eades.

An act to change the name of Alonzo P. Buck.

An act giving further time to sheriffs in this commonwealth to file their delinquent lists.

And then he withdrew.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Irvine from the select committee to whom was referred a bill entitled, an act providing for the improvement of Blood river, and for other purposes—reported the same, which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill having been dispensed with; the same was committed to the committee of internal improvements.

The House took up for consideration a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

Mr. Nuttall then moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Nuttall and G. Morris, were as follows, viz:

YEAS—Messrs. Cheek, Cruse, J. Davis, Duff, Gatewood, Hanson, Hunton, Jones, Merrifield, J. W. S. Mitchell, Murrell, Ryon, Shackelford, Sneed, Sterett, Tompkins, Underwood, Watkins, A. S. White, D. White, J. W. Williams, S. Williams, Wilson and Wortham—25.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Burnett, Byers, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, Dillon, English, Gardner, Garnett, Grundy, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McClure, McGoodwin, Marshall, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Riffe, Sayers, Seaton, Stevenson, Stone, Trimble,

Vanmetre, Ward, J. P. White, T. J. White, Wickliffe and Wigginton—69.

And then the House adjourned.

TUESDAY, FEBRUARY 11, 1834.

Mr. J. Davis offered the following resolution, which being twice read was adopted.

Resolved. That the President of the Bank of the Commonwealth of Kentucky, be requested to state to this House, the number of debtors to said Bank, (exclusive of those persons, whose debts have been reported as bad,) and the number of safe and doubtful debts in each county in the state. Whether a reduction of the expenses of said institution be practicable, and if so, in what manner; and how many, if any of the clerks or agents can be dispensed with, and what reduction of the salaries of the officers of said Bank, would be expedient.

1. Mr. J. W. Williams presented the petition of M. B. Clark and Henderson White, praying to be released from damages which the Bank of the Commonwealth recovered against them.

2. Mr. Trimble presented the petition of Evilina Wigglesworth, praying to be divorced from her husband, Joseph Wigglesworth.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee of claims; and the second to the committee on religion.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Blue Spring Seminary, in Barren county.

An act to amend the act entitled, an act providing for the opening of a road from Taylorsville, in Spencer county, to Jefferson-town, in Jefferson county, and for other purposes, approved January 31, 1833.

An act to encourage the manufacture of Queensware.

An act for the benefit of the jailor of Mercer county.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

An act to establish the town of Feliciana, in Graves county.

An act for the benefit of the heirs of John Gray, deceased.

An act to appoint trustees to the Union School in Caldwell county, and to make them a corporate body.

An act to change the venue in the cases of Thomas and P. S. Outten.

An act to establish a state road from the town of Owenborough, on the Ohio river, by the way of the mouth of Rough creek, and Greenville, to Hopkinsville.

Whereupon the Speaker affixed his signature thereto.

Mr. Wickliffe from the committee for courts of justice, to whom was referred a bill entitled, an act regulating the mode of settling the accounts of executors, administrators and guardians—reported the same with an amendment.

Which being twice read, was concurred in.

And said bill was ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill as amended, do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Wickliffe and Nuttall, were as follows, viz:

YEAS—MR. SPEAKER, MESSRS. Alsop, L. Anderson, Austin, Barbour, Barlow, Bradley, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Culp, G. Davis, J. Davis, Dillon, Duff, Dunlap, English, Garnett, Gatewood, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McClure, McGoodwin, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble Underwood, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson and Wortham—84.

NAYS—Messrs. Culley, Cunningham, Gardner and Haskin—4.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of a bill which originated in this house, entitled,

An act for the benefit of Caldwell and Livingston counties, and for other other purposes—with an amendment.

And the passage of bills which originated in the Senate of the following titles:

An act concerning the County Court of Fleming county.

An act to amend the law in relation to the solemnization of marriages.

An act for the benefit of William Fisher.

That the Senate had received official information that the Governor had signed bills which originated in the Senate of the following titles:

An act to establish the town of Mills' Point, in the county of Hickman, and for other purposes.

An act allowing an additional constable to the county of Galatin.

An act to enlarge the constable's district for the town of Monticello.

An act to allow an additional justice of the peace in Greenup county.

An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

An act to regulate the number of justices of the peace in the county of Mercer.

An act to protect the settlers in the land district, west of the Tennessee river.

An act for the benefit of Samuel Woodson, Clerk of Hopkins county.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Nelson Whites, and others.

An act to provide for reviewing, opening and establishing a road from Frankfort to Williamstown, in Grant county.

An act to amend an act entitled, an act to enlarge the town of Madisonville, in the county of Hopkins, approved January 25th 1833.

An act to allow additional constables to Logan, Hardin, Meade and Washington counties.

An act to encourage the publication of a new digest of the statute law of Kentucky.

And on the same day a joint resolution originated in the same, entitled,

A resolution to procure certain surveys of the rivers in this Commonwealth.

And on this day, enrolled bills originated in the same, of the following titles:

An act to increase the number of justices of the peace in the county of Pulaski.

An act authorising the assistant Secretary of State, to sign patents.

An act to incorporate the Union School in Cumberland county, Kentucky.

An act to establish election precincts in Green and Mercer counties.

An act to extend the powers of the trustees of the town of Washington, in the county of Mason.

An act to appropriate some of the vacant lands of this state to the improvement of the public highways thereof.

And that the Senate recede from their first amendment, propos-

ed to a bill which originated in this house, entitled, an act to increase the revenue.

Mr. R. Mitchell presented the petition of sundry citizens of Marion county, praying to be added to the county of Washington.

Which petition was received, the reading thereof dispensed with, and referred to the committee on propositions and grievances.

The amendments proposed by the Senate, upon concurring in the amendments proposed by this house to a bill from the Senate, entitled, an act changing the time of holding the Logan County Court.

Were taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to a bill which originated in this house, entitled, an act for the benefit of Caldwell and Livingston counties,

Were taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time.

1. An act to legalise the proceedings of the Casey County Court.

2. An act providing for the sale of the lands of James Tutt, deceased.

3. An act for the benefit of the heirs of James G. Kelley, deceased.

4. An act regulating the tax on merchandise.

5. An act to amend the law in relation to the solemnization of marriages.

6. An act concerning the County Court of Fleming county.

7. An act for the benefit of William Fisher.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first, second, third, sixth and seventh, (the sixth having been amended) were severally ordered to be read a third time; the fourth, together with a petition on the same subject from the citizens of Louisville, presented by Mr. Anderson, was committed to the committee of ways and means; and the fifth to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, second, third, sixth and seventh bills having been dispensed with,

Resolved, That the said bill do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments to the sixth bill.

A bill from the Senate, entitled, an act to provide for the pay-

ment of subscriptions and appropriations to objects of internal improvements—was taken up, and read a third time.

Resolved, That the said bill do pass and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Cheek—1. A bill to change the laws in relation to election precincts.

By Mr. L. Anderson—2. A bill to establish the town of Portland, and for other purposes.

By Mr. Ward—3. A bill to declare Rockcastle creek, a navigable stream.

By Mr. White (of Shelby)—4. A bill instructing the Cashier of the Commonwealth's Bank, to credit the Treasury with the amount which may be due to the Bank, on the 10th day of October next.

By Mr. J. Davis—5. A bill to establish an election precinct in Montgomery county.

By Mr. Alsop—6. A bill to discontinue the inspection of Tobacco, at the warehouse of William H. Booth, in the city of Louisville.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first was committed to the committee of propositions and grievances; and the fourth to the committee of ways and means.

And thereupon, the rule of the house, constitutional provision, and third reading of the second, third, fifth and sixth bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

The amendments proposed by the select committee to a bill entitled, an act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road—were taken up, twice read and concurred in.

Ordered, That the said bill, as amended, be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

1. An act to authorise the subscription of stock on the part of the state in the Louisville and Bardstown Turnpike road company.

2. An act to provide for the improvement of the road from Frankfort, to Crab Orchard in Lincoln county.

3. An act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith Shoals, and the big south fork of said river, up to the Coal Banks, approved February 2nd, 1833—with amendments to the two latter bills.

Those proposed to the second bill were twice read and concurred in; and those to the third bill, were committed to the committee for courts of justice.

Ordered, That the Clerk inform the Senate thereof.

The following bills were severally read a second time:

1. An act to amend the law regulating tavern license, and the collection of fines.

2. An act to amend the law regulating elections in this Commonwealth.

3. An act to amend the law concerning the trial of the right of property.

4. An act to improve the navigation of Nolin.

The first was committed to a select committee of Messrs. Phelps, Wigginton, Seaton and G. Morris; the third to a select committee of Messrs. Phelps, Hanson, Sayers and Marshall; and the second and fourth were ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of the second and fourth bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the fourth bill by Messrs. Paris and Helm, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Burnett, Byers, Clarke, Colyer, Conway, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, Dunlap, Gardner, Garnett, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Irvine, Jasper, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Morehead, Jas. Morgan, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stockton, Todd, Trimble Vanmetre, Ward, Watkins, A. S. White, D. White, T. J. White,

Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson and Wortham—70.

NAYS—Messrs. Barlow, Bradley, Calvert, Cheek, Cochran, Cruse, J. Davis, Dillon, Duff, English, Gatewood, McClure, Paris, Stone and J. P. White—15.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. S. Williams from the committee for courts of justice, to whom was referred the amendments proposed by the Senate, to a bill which originated in this house, entitled, an act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith's shoals, and the big south fork of said river, up to the Coal banks, approved February 2nd, 1833—reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the Clerk inform the Senate thereof:

A bill to amend the act entitled, an act further to regulate the Bank of the Commonwealth, approved January 29, 1820—with the amendment proposed thereto.

Was recommitted to a select committee of Messrs. Wickliffe, Hanson, Johnson, (of Scott) G. Davis and Seaton.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did on this day, approve and sign enrolled bills which originated in the House of Representatives of the following titles:

An act to establish the town of Feliciana, in Graves county.

An act for the benefit of the heirs of John Gray, deceased.

An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

An act to establish a state road from the town of Owenboroug, on the Ohio river, by the mouth of Rough creek, and Greenville to Hopkinsville.

An act to appoint trustees to the Union School, in Caldwell county, and to make them a corporate body, and for other purposes.

An act to change the venue in the cases of Thomas and P. S. Outen.

And then he withdrew.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this house, upon concurring in the last amendment proposed by the Senate, to a bill from this house, entitled, an act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river, at Smith's shoals, and the big south fork of said river, up to the Coal banks, approved February 2, 1833.

* Mr. Pope from the joint committee of enrollments reported that the committee had examined an enrolled bill entitled, an act to authorise the subscription of stock on the part of the state, in the Louisville and Bardstown Turnpike road company—and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Pope inform the Senate thereof.

The house resumed the consideration of a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

It was then moved and seconded to amend the first section thereof, by striking out *five millions*, (being the amount fixed therein as the amount of capital stock) and inserting in lieu thereof *three millions*.

A division of the question was called for, and the question put on striking out, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. L. Anderson and G. Morris, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Austin, Barlow, Cheek, Colyer, Cunningham, J. Davis, Duff, Dunlap, Gatewood, Grundy, Hinton, Hunton, Johnson of Livingston, Jones, McGoodwin, Morehead, G. Morris, Murrell, Riffe, Ryon, Shackelford, Sneed, Tompkins, Watkins, Wickliffe, J. W. Williams, Wilson and Wortham—29.

NAYS—Messrs. Alsop, L. Anderson, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Crow, Culley, Culp, G. Davis, Dillon, English, Gardner, Garnett, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Scott, Jonas, Knot, McClure, May, J. W. S. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Sterett, Stevenson, Stockton, Todd, Trimble, Underwood, A. S. White, D. White, J. P. White, T. J. White, Wigginton and S. Williams—55.

Mr. Wickliffe then moved further to amend said bill by striking out the year, 1864, (the period limited therein for the expiration of the charter,) and to insert in lieu thereof, the year, 1854.

A division of the question was called for, and the question put on striking out, which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wickliffe and Marshall, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Austin, Barlow, Cheek, Cochran, Colyer, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gatewood, Grundy, Hanson, Heddleston, Hunton, Jonas, Jones, Knot, McClure, McGoodwin, J. W. S. Mitchell, Morehead, G. Morris, Murrell, Paris, Phelps, Riffe, Ryon, Shackelford, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, S. Williams, Wilson and Wortham—45.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Conway, Crow, Culp, Dillon, Gardner, Garnett, Harrison, Haskin, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Marshall, May, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Nuttall, Parker, Perrin, Pope, Sayers, Seaton, Stevenson, Stone, Trimble, Vanmetre, J. P. White, T. J. White and Wigginton—44.

Mr. Phelps from the majority on the vote, by which the aforesaid amendment was made, moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Marshall and Wickliffe, were as follows, viz:

YEAS—Messrs. Alsop, A. Anderson, L. Anderson, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Conway, Crow, Culley, Culp, Dillon, English, Gardner, Garnett, Grundy, Harrison, Haskin, J. L. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Marshall, May, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Nuttall, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Stevenson, Stockton, Stone, Trimble, Vanmetre, Ward, J. P. White, T. J. White and Wigginton—48.

NAYS—Messrs. Austin, Barlow, Brown, Cheek, Cochran, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gatewood, Hanson, Heddleston, T. J. Helm, Hinton, Hutton, Jonas, Jones, Knot, McClure, McGoodwin, J. W. S. Mitchell, R. Mitchell, Morehead, G. Morris, Murrell, Paris, Riffe, Ryon, Shackelford, Sneed, Sterett, Todd, Tompkins, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, Wilson and Wortham—42.

The said proposition for amendment, was then withdrawn.

And then the House adjourned.

WEDNESDAY, FEBRUARY 12, 1834.

Leave was given to bring in the following bills, viz:

By Mr. Cochran—1. A bill for the benefit of the heirs of Isaac Newland, deceased.

By Mr. Johnson—2. A bill to legalise the proceedings of the Livingston County Court, at their last February term.

By Mr. Duff—3. A bill prohibiting persons from burning the woods in Perry, Clay and Knox counties.

By Mr. Henderson—4. A bill for the benefit of Thomas Mitchell, jailor of Lewis county.

Messrs. Cochran, Wickliffe, Tompkins and White, (of Shelby) were appointed a committee to prepare and bring in the first; the

committee of propositions and grievances the second; Messrs. Duff, Jones and Hanson the third; and Messrs. Henderson, Stone and Ward the fourth.

Mr. J. Davis read and laid on the table, the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on Saturday, the 15th inst. proceed by joint vote of both Houses, to the election of a Treasurer, Public Printer, and Keeper of the Penitentiary.

1. Mr. G. Morris presented the petition of sundry citizens of Henderson, praying the appointment of trustees to the Henderson School—also, a remonstrance against said petition.

2. Mr. Jonas presented the petition of sundry citizens of Louisville, and state of Kentucky, praying an act of incorporation of the Israelitish congregation therein.

3. Mr. Wickliffe presented the petition of Lewis Snap, Sen. and sundry citizens of Bullitt, Nelson, Washington and Jefferson, praying that the streets in Mount Washington, in Bullitt county, may be opened.

4. Mr. Jas. Morgan presented the petition of Leonard Jones, praying a lease for life, of an island in the Mississippi river, to the society of people who profess to have everlasting life.

5. Mr. White (of Whitley) presented the petition of Thomas J. Woodson, praying permission to bring to this state, some slaves.

Which petitions were severally received, the reading thereof dispensed with and referred; the first, third and fifth were referred to the committee of propositions and grievances; the second to a select committee of Messrs. Jonas, Alsop, Wigginton, Harrison and L. Anderson; and the fourth to a committee of Messrs. Seaton, Jas. Morgan, Jonas, Hanson, Parker, Alsop and Heddleston.

A message was received from the Senate, announcing their disagreement to bills, which originated in this house, of the following titles:

An act for the benefit of William Spurlock.

An act to allow additional justices of the peace and constables in certain counties.

An act for the benefit of Malinda R. Devers.

The passage of bills which originated in this house, of the following titles:

An act for the benefit of Elizabeth Dick.

An act to change the name of Westley Blake.

An act to improve the navigation of big Barren river, and for other purposes.

An act to allow the county of Green two additional constables, and for other purposes.

An act to authorise the trustees of the Hardin seminary, to sell lot No. 31. in the town of Elizabeth, and for other purposes.

An act concerning the troop of Cavalry, attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

An act for the benefit of James Storm, and John Cox.

An act to change the place of holding the election in the Gore precinct, in Daviess county, and for other purposes.

An act for the benefit of Robert Ferguson.

An act to compel sheriffs to return certificates of the election of members of the Senate and House of Representatives.

An act for the benefit of the Clerk of the Calloway County Court.

An act for the benefit of the 38th and 35th Regiments, Kentucky Militia—with amendments to the two latter bills.

And the passage of bills which originated in the Senate of the following titles:

An act to amend the law authorising William and Edward Trabue, to build a mill dam across Green river.

An act to improve the road from Carlisle, Flemingsburgh, &c. to the mouth of big Sandy river.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

An act to incorporate the Walnut Hill Seminary, in Warren county.

An act for the devisees and heirs of Adam Link, deceased.

And had received official information, that the Governor did on yesterday, sign enrolled bills which originated in the Senate of the following titles:

An act to incorporate the Blue Spring Seminary, in Barren county.

An act to amend the act entitled, an act providing for the opening of a road from Taylorsville, in Spencer county, to Jefferson-town, in Jefferson county, and for other purposes, approved January 31, 1833.

An act to encourage the manufacture of Queensware.

An act for the benefit of the jailor of Mercer county.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

Mr. Phelps from the committee of propositions and grievances, to whom was referred a bill entitled, an act to enlarge the boundaries of Georgetown, and for other purposes—reported the same without amendment.

The said bill, was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision,

and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Helm from the committee of claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of Charles C. Moore and Levi Van Camp—reported the same without amendment.

And said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

On the motion of Mr. Wickliffe—

Ordered, That the committee for courts of justice be discharged from the further consideration of the petition of Solomon Hornback, and from the petition of Samuel Scott and wife.

And that said committee be discharged from the further consideration of a resolution instructing them to enquire into the expediency of modifying the laws relative to the powers of County Courts.

And that the committee of courts of justice be discharged from the consideration of a resolution instructing them to enquire into the expediency of so modeling the laws, relative to the powers of the County Courts of this Commonwealth, as to exempt slaves from being taxed as tythes, and restraining said Courts from levying a poll tax on white tytheables, exceeding fifty cents each, and of authorising said County Courts to assess an ad valorem tax on the land and negroes, in their respective counties, which with the poll tax may be adequate to the completion of their annual contracts, and the disbursements of the expenses, and charges upon said counties.

And that said committee be discharged from the further consideration of a resolution instructing them to enquire into the propriety of bringing in a bill to prevent non residents from driving their stock into this state, to enjoy the benefit of the range thereof.

And that the said committee be discharged from the further consideration of a resolution, directing them to enquire into the expediency of allowing the right of trial by jury, before justices of the peace, in cases under five pounds.

Mr. Wickliffe from the same committee, to whom was referred the amendments proposed by the Senate, to a bill which originated in this house, entitled, an act to allow an additional justice of the peace to Bullitt county—reported the same with an amendment.

Which being twice read, was concurred in.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence.

Mr. Wickliffe from the same committee, to whom was referred a bill entitled, an act to amend an act entitled, an act to compel a speedy adjustment of land claims, approved February 9th, 1809—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill as amended, ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Wickliffe from the same committee, to whom was referred bills which originated in the Senate of the following titles:

1. An act to incorporate the Dock company at Smithland.
2. An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved December 25, 1820.
3. An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at the June term, 1834, of the General Court.

Reported the same without amendment; the said bills were then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills, having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the second bill by Messrs. Slaughter and Hanson, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Cheek, Coffman, Conway, Crockett, Culley, Culp, Cunningham, G. Davis, Duff, Dunlap, English, Garnett, Grundy, Hanson, Haskin, Heddleston, Hinton, Johnson of Scott, McGoodwin, Marshall, J. W. S. Mitchell, J. S. Morgan, G. Morris, Murrell, Nuttall, Parker, Phelps, Pope, Ryon, Slaughter, Sneed, Sterett, Stevenson, Stockton, Tompkins, Trimble, Ward, Watkins, T. J. White, Wickliffe, Wigginton, J. W. Williams and S. Williams—46.

NAYS—Messrs. Allen, Barlow, Bradley, Brown, Byers, Calvert, Clarke, Cochran, Colyer, Crow, Cruse, J. Davis, Gardner, Gatewood, Harrison, J. L. Helm, T. J. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Jonas, Jones, Knot, McClure, May, R. Mitchell, Morehead, Jas. Morgan, D. Morris, Paris, Perrin, Riffe, Sayers, Seaton, Shackelford, Stone, Todd, Underwood,

Vanmetre, A. S. White, D. White, J. P. White, Wilson and Wortham—45.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee, to whom was referred a bill which originated in the Senate, entitled, an act to amend the law in relation to the solemnization of marriages—reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative, and so the said bill was rejected.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Cumberland Hospital.

An act to amend an act entitled, an act to incorporate the Louisville Hotel Company.

An act to amend an act, to amend the law to establish a state road, from the mouth of Salt river, to intersect the state road, leading from Brandenburg to Bowlinggreen, approved January 15, 1831.

An act for the benefit of William Dorton, deceased.

An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Harlan county.

An act for the benefit of the sheriff of Washington county.

An act to incorporate the Galt House Company.

Whereupon the Speaker affixed his signature thereto.

Mr. Hanson from the committee of ways and means, to whom was referred a bill from the Senate, entitled, an act regulating the tax on merchandize—reported the same without amendment.

Ordered, That said bill be laid on the table.

A bill to repeal the act, approved Feb. 1st, 1833, entitled, an act to amend the law imposing a tax on merchandize—was read a second time, and referred to a select committee of Messrs. J. S. Morgan, Jonas, Hanson, Wigginton, Phelps, English and Marshall.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Helm from the committee of claims—1. A bill for the benefit of James Stephenson.

Also—2. A bill for the benefit of Micajah Clark, Jr. and securities.

By Mr. Wickliffe from the committee of courts of justice—3. A bill for the benefit of Henry Crist.

4. A bill to amend the execution laws.

5. A bill to amend the act incorporating the city of Maysville.

6. A bill to amend the charter of the city of Lexington.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with, (except the second,) ordered that the first, third, fifth and sixth be engrossed and read a third time; and the fourth be committed to the committee for courts of justice.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, third, fifth and sixth bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Jonas from the select committee to whom was referred a bill from the Senate, entitled, an act to incorporate the Bank of Maysville—reported the same with an amendment.

On the motion of Mr. Irvine—

Ordered, That leave be given to bring in a bill, to divide the county of Calloway into districts, for the purpose of appointing constables; and that Messrs. Irvine, Calvert and Hanson be appointed a committee to prepare and bring in the same.

A message was received from the Senate, announcing their disagreement to a bill, which originated in this house, entitled,

An act to establish an election precinct in the county of Grayson.

Their concurrence in the amendments proposed by this house to a bill which originated in the Senate, entitled,

An act to appoint a Keeper or Keepers of the Penitentiary, and for other purposes.

The passage of bills which originated in this house, of the following titles:

An act to incorporate the Shepherdsville and Elizabethtown Turnpike road company.

An act to incorporate the Richmond and Lexington Turnpike road company.

An act to amend an act entitled, an act to establish a state road from Berry's ferry, on the Ohio river, to Salem, and from Madisonville to Salem, approved January 22, 1830.

An act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county.

An act to improve the navigation of big Sandy river.

An act to amend and reduce into one the several acts concerning private passways in certain cases—with amendments to the three latter bills.

The amendments proposed by the Senate to a bill which originated in this house, entitled, an act to incorporate a company to

construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county.

Were taken up, twice read and concurred in.

Ordered, That Mr. Jonas inform the Senate thereof.

The House resumed the consideration of a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

Mr. Hanson then moved to amend the second section of said bill, by striking out "*Louisville*," as the site of the principal Bank.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. G. Davis and Hanson, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Cheek, Cruse, Cunningham, G. Davis, J. Davis, Duff, Gatewood, Hanson, Heddleston, Hinton, Johnson of Scott, Jones, McClure, McGoodwin, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, Paris, Riffe, Ryon, Shackelford, Slaughter, Sneed, Stockton, Stone, Tompkins, Underwood, Watkins, D. White, J. W. Williams, S. Williams and Wilson—34.

NAYS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Burnett, Byers, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Culley, Culp, Dillon, English, Gardner, Garnett, Grundy, Harrison, Haskin, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Jonas, Knot, May, Merrifield, R. Mitchell, Montgomery, Jas. Morgan, G. Morris, Murrell, Nuttall, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Stevenson, Todd, Trimble, Vanmetre, Ward, A. S. White, J. P. White, T. J. White, Wigginton and Wortham—61.

The second section of said bill was then read as follows, viz:

SEC. 2. The said Bank shall have and keep its principal office of discount and deposit in the city of Louisville: and it may have not more than six offices of discount and deposit in other parts of this state; its business shall be to loan money, discount promissory notes and bills, and deal in exchange, and it may issue bills on bank notes, payable to bearer on demand, at any of its offices of discount and deposit, but not of less denomination than five dollars: and it shall not issue any notes, bills, checks or orders, payable to bearer, other than such as are made payable on demand. The promissory notes, made payable to any person or persons, and payable and negotiable at the Bank of Kentucky, or any of its branches, and endorsed to, and discounted at said Bank, shall be, and they are hereby put on the same footing, as foreign bills of exchange: and remedy may be had jointly or severally against the drawers and endorsers, and with like effect, except as to damages, and except that in a regular course of administration. They shall have no other or greater dignity, or priority of payment, than other notes; and the Bank shall not, directly nor indi-

rectly, deal or trade in any thing, except loaning money and exchange, and in gold or silver bullion, or in the sale of goods, chattles, rights and credits, really and truly pledged for money lent, and not redeemed in time, or goods which shall be the proceeds of its lands.

Mr. G. Davis then moved to amend the said section by inserting after the word "state," in the 5th line, the following words: "of which one shall be in the town of Paris, one in the town of Covington, one in the town of Harrodsburg, one in the town of Greensburg, one in the town of Hopkinsville, and one at the seat of Government."

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. G. Davis and Tompkins, were as follows, viz:

YEAS—Messrs. A. Anderson, Barlow, Cheek, Clarke, Coffman, Colyer, Crockett, Cruse, Cunningham, G. Davis, J. Davis, Duff, Gatewood, Haskin, Jasper, Jonas, McClure, McGoodwin, J. W. S. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, Nuttall, Perrin, Phelps, Ryon, Sayers, Slaughter, Sneed, Stone, Underwood, J. P. White and Wortham—30.

NAYS—Mr. SPEAKER, Messrs. Allen, Alsop, L. Anderson, Austin, Barbour, Bradley, Brown, Burnett, Byers, Calvert, Cochran, Conway, Crow, Culley, Culp, Dillon, Dunlap, English, Gardner, Garnett, Grundy, Hanson, Harrison, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Johnson of Livingston, Johnson of Scott, Knot, Marshall, May, Merrifield, R. Mitchell, Morehead, D. Morris, G. Morris, Murrell, Paris, Parker, Pope, Riffe, Seaton, Shackelford, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Vanmetre, Ward, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wilson—65.

Mr. Paris then moved to amend the first section of said bill, by striking out the year 1864 (the time limited for the expiration of the charter,) and inserting in lieu thereof, the year 1854.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and Wickliffe, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Austin, Barlow, Brown, Cheek, Cochran, Colyer, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gatewood, Grundy, Hanson, Heddleston, T. J. Helm, Hinton, Hunton, Jonas, McClure, McGoodwin, Merrifield, J. W. S. Mitchell, Morehead, G. Morris, Murrell, Paris, Riffe, Ryon, Shackelford, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, S. Williams, Wilson and Wortham—46.

NAYS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Barbour, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Conway, Crockett, Crow, Culley, Culp, Dillon, English, Gardner, Garnett, Harrison, Haskin, J. L. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jones, Knot, Marshall, May, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, Nuttall, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Slaughter, Stevenson, Stone, Trimble, Vanmetre, Ward, J. P. White, T. J. White and Wigginton—52.

Mr. Paris then moved to amend the first section of said bill, by adding thereto, the following proviso:

Provided, That no person, except a citizen of the United States, shall, at any time be permitted to subscribe for, hold, possess, or enjoy, any share or shares of stock, in said institution, directly or indirectly, by agent or otherwise. And if it shall be made appear, that any such person or persons, shall, at any time, hold, possess, or enjoy any such share or shares of stock, the same shall become forfeited to the Commonwealth; and if such forfeiture shall accrue in consequence of information by any individual, such individual shall be entitled to one half of the stock, so forfeited; which forfeiture may be declared and adjudged, by any court of original jurisdiction of this state, upon satisfactory evidence being adduced to them of the fact. And it shall be the duty of the President and Directors, annually, to lay before the Legislature, upon oath, a list of the stockholders, with the amount of shares held by each, and their respective places of residence. And no citizen of the United States shall hold, in trust, any such share or shares of stock for another, not being a citizen of the United States, without incurring the penalty of forfeiture.

Mr. Phelps then moved to amend the proposed amendment, by adding thereto the further proviso:

But nothing, however, in this proviso, shall be so construed as to prevent persons, not citizens of the United States, from subscribing for so much of the said capital stock, as shall not have been subscribed for by citizens of the United States, before the books of subscription shall have been finally closed by the Commissioners.

And the question being taken on adopting the amendment to the amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and Phelps, were as follows, viz:

YEAS—Messrs. Cheek, Dunlap, Haskin, Jasper, Johnson of Scott, J. W. S. Mitchell, Montgomery, G. Morris and Phelps—9.

NAYS—Mr. SPEAKER, Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Brown, Burnett, Byers, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, English, Gardner, Garnett, Gatewood, Grundy, Hanson, Harrison,

Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Johnson of Livingston, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, Jas. Morgan, J. S. Morgan, D. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams, Wilson and Wortham—85.

The question was then taken on the adoption of the proviso offered by Mr. Paris, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and Phelps, were as follows, viz:

YEAS—Messrs. Allen, Austin, Barlow, Bradley, Crow, Cruse, Jasper, May, J. W. S. Mitchell, Jas. Morgan, Paris, Perrin, Stevenson, Stone, Trimble, Ward, J. P. White, J. W. Williams, S. Williams and Wilson—20.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, English, Gardner, Garnett, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, Merrifield, Montgomery, Morehead, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stockton, Todd, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton and Wortham—78.

Mr. Paris then moved the previous question: and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and S. Williams, were as follows, viz:

YEAS—Messrs. Paris and S. Williams—2.

NAYS—Mr. SPEAKER, Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Bradley, Brown, Burnett, Byers, Calvert, Cheek, Clarke, Cochran, Coffman, Colyer, Conway, Crockett, Crow, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Gardner, Garnett, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sterett, Stevenson, Stockton, Stone,

Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, Wilson and Wortham—92.

A further amendment having been moved,

The House then adjourned.

THURSDAY, FEBRUARY 13, 1834.

Leave was given to bring in the following bill, viz:

On motion of Mr. English—A bill to amend the law establishing a state road from Lexington to Ghent on the Ohio river.

And the committee of internal improvements were directed to prepare and bring in the same.

The amendments proposed by the Senate, to a bill which originated in this house, entitled, an act for the benefit of the Clerk of the Calloway County Court—were taken up and committed to the committee for courts of justice.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this house, upon concurring in those proposed by the Senate, to a bill which originated in this house, entitled,

An act allowing an additional justice of the peace to Bullitt county.

The passage of a bill which originated in this house, entitled,

An act authorising the building of an Arsenal, for the security and preservation of the public arms—with amendments.

And the passage of bills which originated in the Senate of the following titles:

An act to incorporate a company to Turnpike a road from Frankfort to Lexington, by the way of Versailles.

An act to amend the law prescribing penalties for obstructing navigation.

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county.

An act to authorise the County Court of Washington county, to increase the allowance to patrols of said county.

An act to establish an election precinct in Cumberland county.

An act to provide for the payment of private property, taken for public purposes.

The amendments proposed by the Senate, upon concurring in those proposed by this house, to bills from the Senate of the following titles:

An act to extend the bounds of Elizabeth, in Hardin county, Kentucky.

An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable.

Were taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate to bills which originated in this house, of the following titles:

An act for the benefit of the 38th and 35th Regiments, Kentucky Militia.

An act to improve the navigation of big Sandy river.

An act to amend and reduce into the several acts concerning private passways, in certain counties.

An act authorising the building of an Arsenal for the security and preservation of the public arms.

Were twice read, and concurred in.

Ordered, That the Clerk inform the Senate thereof:

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined sundry enrolled bills of the following titles:

An act to incorporate the Richmond and Lexington Turnpike road company.

An act to change the name of Westley Blake.

An act for the benefit of Elizabeth Dick.

An act to allow the county of Green two additional constables, and for other purposes.

An act for the benefit of James Storm, and John Cox.

An act concerning the troop of Cavalry, attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

An act to compel sheriffs to return certificates of the election of the members of the Senate and House of Representatives.

An act to change the place of holding the election in the Gore precinct, in Daviess county, and for other purposes.

An act for the benefit of Robert Ferguson.

An act to improve the navigation of Barren river, and for other purposes.

An act to increase the Revenue.

An act for the benefit of Caldwell, Livingston and Todd counties.

An act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith Shoals, and the big south fork of said river, up to the Coal Banks, approved February 2nd, 1833.

An act to provide for the improvement of the road from Frankfort, to Crab Orchard, in Lincoln county.

An act to authorise the trustees of the Hardin seminary, to sell lot No. 31. in the town of Elizabeth, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Tompkins presented the petition of sundry citizens of the city of Lexington, praying for a repeal of the charter of said city.

Which was received, the reading thereof dispensed with, and referred to the committee of propositions and grievances.

The resolution fixing on a day for the election of public officers, was taken up, twice read, amended and adopted.

Ordered, That the clerk carry the same to the Senate and request their concurrence.

Mr. J. Davis from the committee of privileges and elections, to whom was referred a bill to change the laws in relation to election precincts—reported the same without amendment.

Ordered, That the said bill be laid on the table.

A message was received from the Senate, requesting leave to withdraw a bill which originated in this house, entitled, an act allowing additional justices of the peace and constables in certain counties, and the report of the Senate, rejecting said bill.

Ordered, That said bill be delivered accordingly.

Mr. Wickliffe from the committee for courts of justice, to whom was referred a bill to regulate the rate of interest on certain contracts, and prohibit the practice of excessive usury—reported the same without amendment.

It was then moved and seconded to lay the said bill on the table until the first day of May next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. ——— and ———, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, Austin, Barbour, Barlow, Bradley, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Crow, Cruse, Culley, Culp, Cunningham, J. Davis, Dillon, Duff, Dunlap, English, Garnett, Gatewood, Hanson, Haskin, J. L. Helm, Henderson, Hunton, Johnson of Livingston, Johnson of Scott, Jones, Marshall, May, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, D. Morris, G. Morris, Paris, Riffe, Ryon, Sayers, Shackelford, Sneed, Stone, Tompkins, Trimble, Underwood, Ward, Watkins, D. White, J. P. White, Wigginton, J. W. Williams, S. Williams, Wilson and Wortham—61.

NAYS—Messrs. Brown, Byers, Cheek, Crockett, G. Davis, Gardner, Grundy, Harrison, Heddleston, T. J. Helm, Hinton, Irvine, Jonas, McClure, McGoodwin, J. S. Morgan, Murrell, Parker, Perrin, Phelps, Pope, Seaton, Sterett, Stevenson, Stockton, Vanmetre and Wickliffe—27.

Mr. Wortham from the committee of privileges and elections, reported a bill more effectually to prevent obstructions to the navigable streams in this Commonwealth—which was received, and read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative—and so the said bill was rejected.

An engrossed bill entitled, an act authorising the appointment of clerks in vacation—was read a third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Anderson from the committee of internal improvements, to whom was referred a bill, entitled, an act to incorporate a company to turnpike the road from Frankfort to the mouth of big Sandy river, by the way of Georgetown, Paris, Carlisle, Flemingsburg, Clarksburg and Greenupsburg—reported the same with an amendment.

The house then proceeded with the orders of the day.

A message was received from the Senate, announcing their concurrence in a resolution, which originated in this house, for fixing on a day for the election of public officers.

The house then resumed the consideration of a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

The reading of the first clause of the fourth section thereof, was called for, and the same was read as follows, viz:

“That the said Bank, shall not, at any time owe, whether by bond, bill, note, or other contract, an amount exceeding *twice* the amount of the capital stock actually paid in, exclusive of sums due on deposit,” &c. &c.

It was then moved and seconded to amend the said clause, by striking out the word “*twice*.”

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Slaughter and J. S. Morgan, were as follows, viz:

YEAS—Messrs. Barlow, Brown, Cheek, Cochran, Cunningham, G. Davis, J. Davis, Dunlap, Gatewood, Grundy, Hanson, Heddleston, T. J. Helm, Hunton, Johnson of Scott, Jonas, McClure, J. W. S. Mitchell, Morehead, J. S. Morgan, G. Morris, Murrell, Riffe, Ryon, Shackelford, Sterett, Stockton, Underwood, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, S. Williams, Wilson and Wortham—36.

NAYS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Colyer, Conway, Crockett, Crow, Culley, Culp, Dillon, Duff, English, Gardner, Garnett, Harrison, Haskin, J. L. Helm, Henderson, Hinton, Irvine, Johnson of Livingston, Jones, Knot, McGoodwin, Marshall, May, Merrifield, R. Mitchell, Montgomery, Jas. Morgan, D. Morris, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Slaughter, Stevenson, Stone, Tompkins,

Trimble, Vanmetre, Ward, J. P. White, T. J. White and Wigginton—58.

Several amendments having been made to said bill,

Mr. S. Williams then moved further to amend the same, by adding thereto, the following additional section:

Be it further enacted, That the individual stockholders shall be jointly and severally liable and responsible, out of their private property, for the redemption of the notes issued by said Bank, and for the debts created by said institution, in proportion to the amount held by said stockholders. And so far as the state owns stock in said Bank, it shall be liable and responsible for the debts of said Bank, and the notes issued by said Bank, in the same proportion, out of the revenue of the state.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Williams and McClure, were as follows, viz:

YEAS—Messrs. Allen, Austin, Barlow, Bradley, Cheek, Coffman, Colyer, Crow, J. Davis, Duff, Grundy, T. J. Helm, Jones, McClure, Morehead, Nuttall, Paris, Phelps, Riffe, Stone, Todd, Vanmetre, D. White, J. W. Williams, S. Williams, Wilson and Wortham—27.

NAYS—Messrs. Alsop, A. Anderson, L. Anderson, Barbour, Brown, Burnett, Byers, Calvert, Clarke, Cochran, Conway, Crockett, Cruse, Culley, Culp, Cunningham, G. Davis, Dillon, Dunlap, English, Gardner, Garnett, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, Henderson, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Pope, Ryon, Sayers, Seaton, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Tompkins, Trimble, Underwood, Ward, Watkins, A. S. White, J. P. White, T. J. White, Wickliffe and Wigginton—68.

Mr. S. Williams then moved the previous question: and the question was put—"Shall the main question be now put?" which was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and S. Williams, were as follows, viz:

YEAS—Messrs. Alsop, Brown, Calvert, Coffman, Colyer, Conway, Crockett, Cruse, Culley, Culp, English, Gardner, Hanson, Harrison, Henderson, Jones, McClure, Marshall, Montgomery, Morehead, Murrell, Nuttall, Paris, Perrin, Riffe, Ryon, Slaughter, Sneed, Stone, D. White, J. P. White, T. J. White, J. W. Williams, S. Williams and Wortham—35.

NAYS—Messrs. Allen, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Bradley, Burnett, Byers, Cheek, Clarke, Coch-

ran, Crow, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Garnett, Gatewood, Grundy, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Knot, McGoodwin, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Parker, Phelps, Pope, Sayers, Seaton, Shackelford, Sterett, Stevenson, Stockton, Todd, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, Wickliffe, Wigginton and Wilson—61.

And then the House adjourned.

FRIDAY, FEBRUARY 14, 1834.

Leave was given to bring in the following bills:

On the motion of Mr. A. S. White—1. A bill for the benefit of the heirs of George Gill, deceased.

On the motion of Mr. English—2. A bill to establish a precinct in the county of Gallatin.

Messrs. A. S. White, Underwood and Nuttall, were appointed a committee to prepare and bring in the first; and Messrs. English, Allen and Nuttall the second.

Mr. A. S. White presented the petition of sundry citizens of Shelby county, praying for the establishment of an election precinct therein.

Which was received, read and referred to the committee of privileges and elections.

A message was received from the Senate, announcing the passage of bills which originated in this house, of the following titles:

An act to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

An act to improve the navigation of Trade water river.

An act to improve the navigation of Muddy river.

An act to prevent the sale of growing crops.

And the passage of bills which originated in the Senate of the following titles:

An act making an appropriation to aid the counties of Calhoun and Graves, in building certain bridges.

An act for the benefit of the wife and children of Thomas Q. Roberts.

An act for the benefit of Harriet Johnson.

An act to Turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's hill.

An act supplementary to an act entitled, an act to establish the county of Marion.

An act to amend the act, to incorporate the Rolling fork bridge

company, approved December 2, 1831, and to authorise the construction of a bridge across big Barren river.

An act to improve the navigatinn of big Barren river.

Mr. Pope from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act concerning the County Court of Fleming county.

An act to legalise the proceedings of the Casey County Court.

An act incorporating the Maysville Insurance Company.

An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved December 25, 1820.

An act to incorporate the Dock company at Smithland.

An act providing for the sale of the lands of James Tutt, deceased.

An act for the benefit of William Fisher.

An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at the June term, 1834, of the General Court.

An act changing the time of holding the Logan County Court.

An act for the benefit of the heirs of James G. Kelley, deceased.

And a resolution fixing upon a day for the election of public officers.

Whereupon, the Speaker affixed his signature thereto.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. A. S. White—1. A bill for the benefit of the heirs of George Gill, deceased.

By Mr. Phelps from the committee of propositions and grievances—2. A bill to change in part the line of Marion county.

Also—3. A bill for the benefit of Thomas B. Megowan, jailor of Fayette county.

Also—4. A bill to legalise the proceedings of the County Court of Livingston county, at their February term, 1834.

By Mr Duff—5. A bill to prevent the burning of the woods in certain counties.

By Mr. Coffman—6. A bill to improve the navigation of Pond river, and for other purposes.

By Mr. Irvine—7. A bill authorising the several County Courts to change their constables districts.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first was committed to the committee for courts of justice; the third to the committee of claims; the second, fourth, fifth and

sixth, ordered to be engrossed and read a third time; and the seventh was laid on the table.

And thereupon, the rule of the house, constitutional provision, and third reading of the second, fourth, fifth and sixth bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Phelps from the committee of propositions and grievances reported the following preamble and resolutions:

The deep interest which is felt by the state of Kentucky, and doubtless, by the state of Louisiana, in placing the commerce and trade existing between the two States, upon a footing liberal and just, demands the enactment of such laws, as will ensure reciprocity of interest and advantage to both. It is not doubted, that the state of Louisiana, when convinced that any of her existing laws are calculated, in their effects, to inflict a deep and vital injury upon the citizens of her sister state, will not hesitate to change them, and remedy an evil much complained of by the planters of Kentucky.

The inspection laws of Louisiana, at least so far as the article of Tobacco is concerned, have been a subject of complaint, until it has, through the planters of the state, been made a memorial to the Legislature of Kentucky, inviting their attention to the subject, and demanding Legislative action, by way of memorial to the state of Louisiana.

The matter complained of, is the classification of tobacco, into *first*, *second* and *third* rate. Custom, under this law, has established a fixed difference of one dollar per hundred in the price of tobacco; the custom frequently operates unjustly and unequally; it has a tendency frequently to injure the honest and discreet farmer, while it rewards the indolent and careless. It is not unfrequently the case, as is well known to those in the habit of trading in the article, that tobacco, crossed, or placed in the second class, is little inferior, if any, to that which may be marked as first class, and it is as frequently the case, that tobacco, crossed, and placed in the third class, is of little or no value, yet the classification has the effect to fix upon it rather a certainty of price. This operates unjustly as well to the seller as the purchaser. We would suggest, as a better plan, that after the inspection is made, it shall be the duty of the inspector to mark simply, passed or refused, which will enable the vendor to dispose of the article, from the sample drawn, for the best price he can get, and in that way the producer may be secured in a fair price for his crossed tobacco, which may be of good quality, whilst the purchaser would be protected a-

gainst frauds, not unfrequently practised in the sale of tobacco almost wholly worthless.

Another evil complained of, though not entirely growing out of the imperfection of any law of Louisiana, and which might be corrected by the enactment of a law of that State, is, that the deduction for tare is nearly, if not entirely, the same upon every hogshhead; which is unjust, because of a want of uniformity in size. We, therefore, suggest the propriety of a law fixing the length and thickness of the staves, and the thickness and length of the heading of tobacco hogshheads. By the enactment of such laws, it is believed by the Legislature of Kentucky, justice will be done to both States, and the evil complained of by the planters of Kentucky remedied; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the attention of the Governor of the state of Louisiana be most respectfully invited to the subject of this preamble, and that he be requested to submit the same for consideration, to the Legislature of that state.

Resolved, That the Governor of this State cause to be forwarded to the Governor of Louisiana a copy of the foregoing preamble and resolution.

The rule of the house, and constitutional provision, having been dispensed with, said preamble and resolutions were taken up, twice read and adopted.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time.

1. An act for the benefit of the Lexington and Ohio Rail Road Company.

2. An act to improve the road from Carlisle, Flemingsburgh, &c. to the mouth of big Sandy river.

3. An act to amend the law authorising William and Edward Trabue, to build a mill dam across Green river.

4. An act to incorporate the Walnut Hill Seminary, in Warren county.

5. An act for the benefit of the heirs and devisees of Adam Link, deceased.

6. An act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

7. An act to incorporate a company to Turnpike a road from Frankfort to Lexington, by way of Versailles.

8. An act to amend the law, prescribing penalties for obstructing navigation.

9. An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county.

10. An act to authorise the County Court of Washington county, to increase the allowance to patrols of said county.

11. An act to establish an election precinct in Cumberland county.

12. An act to provide for the payment of private property, taken for public purposes.

13. An act to amend the act, to incorporate the Rolling fork bridge company, approved December 2, 1831, and to authorise the construction of a bridge across big Barren river.

14. An act supplementary to an act, entitled, an act to establish the county of Marion.

15. An act to Turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's hill.

16. An act for the benefit of Harriet Johnson.

17. An act for the benefit of the wife and children of Thomas Q. Roberts.

18. An act making an appropriation to aid the counties of Caloway and Graves, in building certain bridges.

19. An act to improve the navigation of big Barren river.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first, second, seventh, thirteenth, fifteenth, eighteenth and nineteenth, were committed to the committee of internal improvements; the third and ninth to the committee of propositions and grievances; the fifth, eighth and twelfth to the committee for courts of justice; the sixteenth to the committee on religion; the fourth, sixth, tenth, eleventh and seventeenth, (the eleventh having been amended at the Clerk's table) were ordered to be read a third time; and the fourteenth was committed to a select committee of Messrs. Helm, Wickliffe, Knot and Brown.

And thereupon, the rule of the house, constitutional provision, and third reading of the fourth, sixth, tenth, eleventh and seventeenth bills having been dispensed with,

Resolved, That the said bills do pass.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to bills which originated in this house, of the following titles—were taken up, twice read and concurred in.

An act to improve the navigation of Muddy river.

An act to improve the navigation of Trade water river.

Ordered, That the Clerk inform the Senate thereof.

The house proceeded to consider the amendments proposed by the Senate, to a bill which originated in this house, entitled,

An act to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

The first amendment was then read as follows, viz:

Sec. 6, line 8. After "company," insert "*and when a further*

subscription of thirty thousand dollars shall be made by individuals, or bodies corporate, the Governor shall subscribe on the behalf of the state, for ten thousand dollars more, in said stock."

And the question being taken on concurring in the said amendment it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Paris and J. W. S. Mitchell, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cheek, Colyer, Crockett, Cunningham, G. Davis, Dunlap, Grundy, Hanson, Harrison, Haskin, J. L. Helm, Hunton, Johnson of Scott, Jonas, Jones, McClure, Marshall, May, Merrifield, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Sneed, Sterett, Stevenson, Stockton, Tompkins, Trimble, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, S. Williams and Wilson—49.

NAYS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Clarke, Cochran, Coffman, Conway, Crow, Culley, Culp, J. Davis, Dillon, Duff, English, Gardner, Gatewood, Heddleston, T. J. Helm, Johnson of Livingston, Knot, McGoodwin, Montgomery, Morehead, Jas. Morgan, Paris, Shackelford, Stone, Underwood, A. S. White, J. P. White, J. W. Williams and Wortham—34.

The remaining amendments were then concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to a bill which originated in this house, entitled, "an act to prevent the sale of growing crops"—were twice read and committed to the committee of courts of justice.

An engrossed bill entitled, an act for building a bridge across main Licking at Claysville—was read a third time, and committed to a select committee of Messrs. Trimble, Perrin, Stevenson, Culp and Phelps.

Mr. Pope from the joint committee of enrollments, reported that the committee did, on the 11th inst. deposite in the office of the Secretary of State, for the approbation and signature of the Governor, an enrolled bill entitled, an act to authorise a subscription of stock on the part of the State, in the Louisville and Bardstown Turnpike road company.

The house resumed the consideration of a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

And after making some further amendments thereto, the said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill, as amended, do pass.

The yeas and nays being required on the passage of said bill by Messrs. Wickliffe and L. Anderson, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Au-

tin, Bradley, Burnett, Byers, Calvert, Clarke, Conway, Crockett, Crow, Culley, Culp, G. Davis, Dillon, English, Gardner, Gannett, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, McGoodwin, Marshall, May, R. Mitchell, Montgomery, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Perrin, Phelps, Pope, Sayers, Seaton, Slaughter, Stevenson, Stockton, Stone, Trimble, Ward, J. P. White and Wigginton—55.

NAYS—Mr. SPEAKER, Messrs. Barbour, Barlow, Brown, Cheek, Cochran, Coffman, Colyer, Cruse, Cunningham, J. Davis, Duff, Dunlap, Gatewood, Grundy, Hanson, Hunton, Jones, McClure, Merrifield, J. W. S. Mitchell, Morehead, Murrell, Paris, Riffe, Ryan, Shackelford, Sneed, Sterett, Tompkins, Underwood, Vanmetre, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, S. Williams, Wilson and Wortham—40.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the said amendments.

And then the House adjourned.

SATURDAY, FEBRUARY 15, 1834.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this house to a bill which originated in the Senate, entitled,

An act to authorise the County Court of Washington county, to increase the allowance to patrols of said county.

Their disagreement to bills which originated in this house, of the following titles:

An act for the benefit of John Campbell.

An act for the benefit of Henry Weddington.

The passage of bills which originated in this house, of the following titles:

An act to authorise the depositions of Judges, to be taken in common law cases.

An act to enlarge the boundaries of Georgetown, and for other purposes.

An act to authorise the County Court of Hancock, to sell a part of the public ground in Hawesville, and for other purposes.

An act to reduce the number of justices of the peace in Clarke county, to authorise an additional constable's district therein.

An act for the benefit of the heirs of Samuel Monson.

An act to establish and to regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct in Estill county, and for other purposes.

An act to add a part of Bracken county, to the county of Harrison.

An act to abolish the February chancery term of the Montgomery Circuit Court.

An act for the benefit of John H. Slaughter.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to erect an election precinct in Livingston county.

An act for the benefit of William Shackelford.

An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike road.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to amend in part and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in a direction to Nashville.

An act to regulate the tolls on the Sandy road.

An act to improve and open the road from the Rocky spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

An act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

An act to incorporate the Green river Turnpike road company.

An act to appropriate four hundred dollars, to aid in improving the state road, leading from Owenborough to Bowlinggreen.

An act to incorporate the Winchester and Lexington Turnpike company.

An act to regulate the terms of certain Courts, and for other purposes—with amendments to the nine latter bills.

And the adoption of resolutions in favor of the right of proprietors of Virginia land claims to be compensated for the loss of their lands, out of the vacant lands ceded by Virginia to the United States.

And the passage of bills which originated in the Senate of the following titles:

An act further to define the powers of the Trustees of the town of Maxville, in Washington county.

An act to repeal the law, making it the duty of the Ferry keeper, at the mouth of the Kentucky river, in Gallatin county, to ferry all qualified voters at elections free of charge.

An act to legalise certain proceedings of the Fayette County Court.

An act to incorporate the Mechanics' Fire Engine and Hose company of Louisville.

An act to amend the law regulating the manumission of slaves.

An act providing for the erection of a bridge across the Beech fork, in Washington county.

An act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the state of Kentucky.

A message from the Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Governor did on the 11th inst. approve and sign an enrolled bill which originated in the House of Representatives, entitled,

An act to authorise the subscription of stock on the part of the state in the Louisville and Bardstown Turnpike road company.

On the 13th, bills of the following titles:

An act for the benefit of Robert Ferguson.

An act to change the place of holding the election in the Gore precinct, in Daviess county, and for other purposes.

An act to improve the navigation of Barren river, and for other purposes.

An act to increase the Revenue.

And on the 14th inst. bills of the following titles:

An act concerning the troop of Cavalry, attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

An act to authorise the trustees of the Hardin seminary, to sell lot No. 31. in the town of Elizabeth, and for other purposes.

An act to incorporate the Richmond and Lexington Turnpike road company.

An act for the benefit of the sheriff of Madison county.

And a joint resolution, entitled,

A resolution fixing upon a day for the election of public officers.

And then he withdrew.

Ordered, That the Clerk inform the Senate thereof.

Mr. Tompkins presented the petition of the guardian of the infant heirs of James Johnson, deceased, praying the passage of a law to authorise the sale of their real estate.

Which was received, read and referred to a select committee of Messrs. Tompkins, G. Davis and J. L. Helm.

Mr. Hanson from the majority on the vote by which a bill from the Senate, entitled, an act to amend an act to incorporate the Louisville and Bonharbour Coal company, was laid on the table until the first day of June next, moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Jonas, were as follows, viz:

YEAS—MR. SPEAKER, Messrs. Alsop, L. Anderson, Austin,

Barbour, Brown, Burnett, Calvert, Coffman, Conway, Crockett, Crow, Cruse, Culley, Dillon, English, Gatewood, Hanson, Harrison, J. L. Helm, T. J. Helm, Hinton, Hunton, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, Murrell, Nuttall, Pope, Riffe, Slaughter, Sterett, Tompkins, Vanmetre, Wickliffe, Wigginton S. Williams and Wortham—39.

NAYS—Messrs. Allen, Barlow, Bradley, Cheek, Clarke, Cochran, Colyer, Culp, Cunningham, G. Davis, J. Davis, Duff, Gardner, Garnett, Grundy, Haskin, Heddleston, Henderson, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, Paris, Parker, Perrin, Ryon, Sayers, Seaton, Shackelford, Sneed, Stevenson, Stockton, Stone, Trimble, Underwood, Ward, Watkins, A. S. White, D. White, J. P. White, J. W. Williams and Wilson—53.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Charles C. Moore, and Levi Van Camp.

An act to incorporate the Walnut Hill Seminary, in Warren county.

An act allowing an additional justice of the peace to the county of Lewis, and an additional constable in the county of Jefferson.

An act to establish an election precinct in Cumberland county.

An act to appoint a Keeper or Keepers of the Penitentiary, and for other purposes.

The amendments proposed by the Senate, to a bill which originated in this house, entitled, an act to regulate the terms of certain Circuit Courts, and for other purposes.

Were twice read, and concurred in.

Ordered, That the Clerk inform the Senate thereof:

Mr. Helm from the committee of claims reported a bill, for the appropriation of money.

Which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill, having been dispensed with, the same was committed to the committee of claims.

The house then proceeded (after exchanging nominations with the Senate for a Treasurer,) to the election of that officer; and after taking a vote, and having a comparison of the joint vote, by a joint committee of both houses; it appearing that James Davidson had received the unanimous vote of both houses as Treasurer of this Commonwealth, for the ensuing year—he was thereupon declared to be duly elected.

The house then proceeded in like manner, (after exchanging nominations with the Senate for Public Printer, on which were

Messrs. Albert G. Hodges and Jacob H. Holeman) to the election of Public Printer; a committee was then appointed on the part of this house, to meet a committee on the part of the Senate, to compare and report the joint vote; the said committee then retired, and after a short time returned, and reported that the joint vote stood thus:

For Albert G. Hodges—83.

For Jacob H. Holeman—50.

Whereupon Mr. A. G. Hodges having received a majority of the votes of both houses, was declared duly elected Public Printer for the ensuing year.

The house then in like manner, (after exchanging nominations with the Senate,) proceeded to the election of a Public Librarian; and after having taken a vote, and having a like comparison of votes, it appearing that Mr. George A. Robertson had an unanimous vote of both houses, was thereupon declared duly elected Librarian for the present year.

The house then in like manner, (after exchanging nominations with the Senate,) proceeded to the election of an Agent and Keeper of the Penitentiary, (Messrs. Thomas Theobalds, Vest & Anderson, Michael Davidson, Caleb Guthrie and Benjamin Hensley, being in nomination before both houses,) and after taking six several votes, (Mr. Caleb Guthrie having been withdrawn on the second vote, and Mr. Benjamin Hensley on the third vote, and Messrs. Vest & Anderson on the sixth vote,) a majority of the votes of the members of both houses appearing in favor of Mr. Thomas Theobalds, he was thereupon declared duly elected.

The house then proceeded in like manner) after exchanging nominations with the Senate,) to the election of a President of the Bank of Kentucky, and a President of the Bank of the Commonwealth; and after taking a vote thereon, and having the same compared, by a joint committee, who reported that Peter Dudley had received an unanimous vote as President of the Bank of Kentucky; and Henry Wingate had received an unanimous vote as President of the Bank of the Commonwealth; they were thereupon declared to be duly elected accordingly.

A bill to provide for paying grand jurors in this Commonwealth—with the amendments proposed thereto by the select committee, was recommitted to the committee for courts of justice.

The amendments proposed by the Senate to bills which originated in this house, of the following titles, were twice read and concurred in, viz.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to amend in part and repeal in part an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Mundsford-

ville and Bowlinggreen, to the state line, in a direction to Nashville.

An act to improve and open the road from the Rocky spring in Harrison county, by the way of Colemansville to Williamstown, in Grant county.

An act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

An act to incorporate the Green river Turnpike company.

An act to incorporate the Winchester and Lexington Turnpike company.

An act to appropriate four hundred dollars to aid in improving the state road leading from Owenborough to Bowlinggreen.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in the several amendments proposed by this house, to a bill from the Senate, entitled, an act to establish the Bank of Kentucky, excepting the 9th, 11th and 13th amendments, to which they disagree.

The house proceeded to reconsider their said 9th, 11th and 13th amendments.

The house then receded from their said ninth amendment.

The 11th sec. of the bill, to which the 11th and 13th amendments apply, was then read as follows, viz:

SEC. 11. The President and Directors of the principal Bank, shall have power and authority, and it shall be their duty to establish not less than four, nor more than six branches; and they shall establish and continue one branch at some suitable place south of Green river, and one branch at some suitable place between Green and the Kentucky rivers; and two branches at some suitable places on the North of the Kentucky river, as soon as the sale of the stock will justify their doing so; and a branch to be located and continued at the seat of Government, unless the legislature shall otherwise direct, to aid in the management of the fiscal affairs of the state, and the sixth branch at such time and place as the President and Directors may designate: *Provided however*, that should the Directors fail to establish the fifth and sixth branches hereby authorised to be established, that the legislature hereby reserves the right to direct the establishment of these branches and to locate the sixth branch. The amount of capital which shall be employed at the principal Bank, and at the several branches, shall be under the control of the President and Directors of the principal Bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the President and Directors of the principal Bank to withdraw a branch which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: *Provided*, there shall not be em-

ployed more than two fifths of the capital stock actually paid in as banking capital in the City of Louisville, unless authorised by the Legislature, and the bonds or scrip paid in by the Commonwealth, shall *not* under this provision, be considered as capital paid in, *until sold, and the cash received by the Bank*; and it shall be lawful to employ the first five hundred thousand dollars paid in by individuals, companies and corporations, as banking capital in Louisville; and it shall then be the duty of the President and Directors of the principal Bank, to employ the residue of the capital stock as paid in, to the establishment of branches until three fifths of all the capital stock paid in, shall be employed in the branches, and thereafter three fifths of what shall be paid in, shall be employed in the branches, and the residue may be employed in the principal Bank; and they shall establish the branch at the seat of Government first, and the others in such order of time as they shall deem expedient.

The said 11th and 13th amendments of this house to said section, were then read as follows "strike out from the said 11th sec the words printed in italics."

It was then moved and seconded that this house *recede* from their said amendments.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. G. Morris and Jonas, were as follows, viz:

YEAS—Messrs. Allen, Alsop, L. Anderson, Austin, Barbour, Brown, Calvert, Cochran, Conway, Culley, Culp, Dillon, English, Garnett, Hanson, Harrison, Haskin, J. L. Helm, Henderson, R. Mitchell, Parker, Pope, Riffe, Seaton, Vanmetre, A. S. White, Wickliffe and Wigginton—28.

NAYS—Messrs. Barlow, Bradley, Burnett, Byers, Cheek, Clarke, Colyer, Crockett, Crow, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gatewood, Grundy, Heddleston, T. J. Helm, Hinton, Hunton, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, Nuttall, Perrin, Phelps, Ryon, Sayers, Shackleford, Slaughter, Sneed, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble, Watkins, D. White, J. P. White, J. W. Williams, S. Williams, Wilson and Wortham—58.

Resolved, That this house insist on their 11th and 13th amendments.

Ordered, That the Clerk inform the Senate thereof.

And then the House adjourned.

MONDAY, FEBRUARY 17, 1834.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county.

An act for the benefit of the sheriff of Madison county.

An act to authorise the County Court of Hancock, to sell a part of the public ground in Hawesville, and for other purposes.

An act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike road.

An act for the benefit of John H. Slaughter.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to erect an election precinct in Livingston county.

An act for the benefit of the heirs of Samuel Monson.

An act to regulate the terms of certain Circuit Courts, and for other purposes.

An act to improve and open the road from the Rocky spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

An act to improve the navigation of Muddy river.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to improve the navigation of Trade water river.

An act to amend in part and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in a direction to Nashville.

An act to appropriate four hundred dollars, to aid in improving the state road, leading from Owenborough to Bowlinggreen.

An act to add a part of Bracken county, to the county of Harrison.

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to abolish the February chancery term of the Montgomery Circuit Court.

An act to authorise the depositions of Judges, to be taken in common law cases.

An act to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

An act to extend the bounds of Elizabeth, in Hardin county, Kentucky.

An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable.

An act appropriating some of the vacant lands in certain counties, for the improvement of their roads.

An act concerning the town of Alexandria in Campbell county.

An act for the benefit of the wife and children of Thomas Q. Roberts.

A message was received from the Senate, announcing their concurrence in bills which originated in this house of the following titles:

An act to amend the laws concerning tavern keepers.

An act for the benefit of the mechanics of the town of Covington and Newport.

An act authorising the appointment of Clerks in vacation—with amendments to each.

And the passage of bills which originated in the Senate of the following titles:

An act for the benefit of the United Baptist Church at Elizabethtown, called "Severns Valley."

An act to provide for repairing the state road, leading from Prestonsburgh, by way of Pikeville, to the Virginia line, and for other purposes.

An act declaring Bayou de Chein, in Hickman county, a navigable stream, from the town of Moscow to Caldwell's mills.

An act for the benefit of the sheriff of Barren county.

An act for the benefit of William Samuels, late sheriff of Nelson county.

An act to establish an election precinct in Shelby county.

And had received information that the Governor did, on the 13th inst., approve and sign enrolled bills which originated in the Senate of the following titles:

An act for the benefit of the sheriff's of Washington and Wayne counties.

An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Hardin county, and for other purposes.

An act for the benefit of the Cumberland Hospital.

An act to amend an act, entitled, an act to incorporate the Louisville Hotel company.

An act for the benefit of the heirs of William Dorton, deceased.

An act to amend an act, to amend the law to establish a state road, from the mouth of Salt river, to intersect the state road, leading from Brandenburg to Bowlinggreen, approved January 15th, 1831.

An act to incorporate the Galt House company.

And on this day, an act entitled,
An act to appoint a Keeper or Keepers of the Penitentiary,
and for other purposes.

1. Mr. Riffe presented the petition of Elizabeth Huffman, praying a divorce from her husband, Aaron Huffman.

2. Mr. Irvine presented the petition of Mary Downing, praying permission to enter a quarter section of land, west Tennessee river, with the state price.

3. Mr. English presented the petition of the citizens of Port William, praying an increase of power to the Trustees of said town.

Which petitions were severally received, the reading thereof dispensed with and referred; the first to the committee on religion; the second to the committee of propositions and grievances; and the third to a select committee of Messrs. English, Nuttall and Allen.

Mr. Wickliffe from the committee of courts of justice, to whom was referred the amendments proposed by the Senate, to a bill which originated in this house, entitled, an act to prevent the sale of growing crops—reported the same without amendment.

The said amendments of the Senate were then concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee, to whom was referred bills from the Senate, of the following titles: an act to amend the charter of the city of Louisville; an act to amend the law, prescribing penalties for obstructing navigation—reported the same with amendments to each.

Which being twice read, were concurred in.

And the said bills were ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills, having been dispensed with,

Resolved, That said bills, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee, to whom was referred bills from the Senate, of the following titles: an act for the benefit of the devisees and heirs of Adam Link, deceased; an act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased; an act provididg for the sale of real estate, in certain cases; an act to provide for the payment of private property, taken for public purposes—reported the same without amendment.

The said bills were severally ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with,

Resolved, That said bills do pass.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the same committee, to whom was referred

a bill for the benefit of the heirs of George Gill, deceased; also, a bill to incorporate the Fireman's Insurance Company of Louisville—reported the first without amendment, and the latter with amendments.

Which being twice read, were concurred in.

Ordered, That said bills be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

Mr. Morehead from the committee of religion, to whom was referred a bill from the Senate, entitled, an act for the benefit of Harriet Johnson—reported the same without amendment.

And the said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hanson from the committee of ways and means, to whom was referred a bill, instructing the Cashier of the Bank of the Commonwealth, to credit the Treasury with the amount which may be due to the Bank, on the 10th day of October next—reported the same without amendment.

It was then moved and seconded, to lay the bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Nuttall and Paris, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Bradley, Burnett, Byers, Clarke, Coffman, Colyer, Combs, Crockett, Cruse, Culley, Culp, Cunningham, G. Davis, Dillon, Duff, Dunlap, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Hunton, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Slaughter, Sneed, Sterett, Stevenson, Tompkins, Trimble, Vanmetre, Ward, Watkins, D. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wilson—71.

NAYS—Messrs. Barlow, Calvert, Cheek, Cochran, J. Davis, English, Henderson, Morehead, Nuttall, Paris, Riffe, Stone, Underwood, A. S. White, J. P. White, J. W. Williams and Wortham—17.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By the committee of propositions and grievances—1. A bill to change the time of the annual meeting of the General Assembly of the Commonwealth of Kentucky.

By the committee of courts of justice—2. A bill to provide for the collection of the funds set apart for objects of internal improvements.

By same—3. A bill for the benefit of Celia E. Seth and Jane Johnson, infants.

By the committee on religion—4. A bill for the benefit of Angerona Green.

By same—5. A bill for the benefit of Rebecca Lewis.

By Mr. Phelps—6. A bill to incorporate the city of Covington.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with, (the second excepted, which was referred to the committee of ways and means.)

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first bill by Messrs. Davis and Tompkins, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Allen, A. Anderson, Austin, Barlow, Brown, Burnett, Byers, Calvert, Cheek, Cochran, Culp, Dillon, Dunlap, English, Garnett, Hanson, Haskin, Heddleston, J. L. Helm, Hunton, Irvine, Johnson of Livingston, McClure, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, J. S. Morgan, Nuttall, Parker, Phelps, Pope, Riffe, Ryon, Sneed, Stevenson, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, J. P. White, T. J. White, Wickliffe, Wigginton and S. Williams—51.

NAYS—Messrs. Alsop, L. Anderson, Barbour, Bradley, Clarke, Coffman, Colyer, Combs, Crockett, Culley, Cunningham, G. Davis, J. Davis, Duff, Gatewood, Harrison, Henderson, Jonas, Jones, May, Jas. Morgan, D. Morris, G. Morris, Murrell, Paris, Perrin, Sayers, Seaton, Shackelford, Sterett, Stone, Tompkins, D. White, J. W. Williams and Wortham—35.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

A message was received from the Senate, announcing their adherence to their disagreement to the eleventh and thirteenth amendments proposed by this house, to a bill which originated in the Senate, entitled, an act to establish the Bank of Kentucky.

An order having been made for the appointment of a commit-

tee of conference on the part of this house; Mr. Helm moved a reconsideration of the vote for the appointment of said committee.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. G. Davis and J. L. Helm, were as follows, viz:

YEAS—Messrs. Allen, Alsop, L. Anderson, Austin, Barbour, Barlow, Brown, Burnett, Byers, Calvert, Cochran, Coffman, Culley, Culp, Dillon, English, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Irvine, Knot, May, Merrifield, R. Mitchell, Montgomery, Jas. Morgan, Murrell, Nuttall, Parker, Perrin, Pope, Riffe, Seaton, Stevenson, Stone, Trimble, Ward, A. S. White, J. P. White, T. J. White, Wigginton, J. W. Williams, and Wortham—47.

NAYS—Messrs. Bradley, Cheek, Clarke, Colyer, Combs, Crockett, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gannett, Gatewood, Grundy, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, McGoodwin, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Paris, Phelps, Ryon, Shackelford, Slaughter, Sneed, Sterett, Tompkins, Underwood, Vanmetre, Watkins, D. White, Wickliffe, S. Williams and Wilson—43.

It was then again moved and seconded, that a committee of free conference be appointed on the part of this house, to confer with such committee as may be appointed on the part of the Senate, to take under consideration the disagreement of the two houses, on the subject of the said eleventh and thirteenth amendments.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Jonas and J. L. Helm, were as follows, viz:

YEAS—Messrs. A. Anderson, Bradley, Burnett, Byers, Clarke, Combs, Crockett, Cunningham, G. Davis, J. Davis, Dunlap, Gannett, Gatewood, Grundy, T. J. Helm, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, McGoodwin, Marshall, J. W. S. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, Paris, Phelps, Sayers, Shackelford, Sneed, Sterett, Tompkins, Underwood, D. White and Wilson—40.

NAYS—Messrs. Allen, Alsop, L. Anderson, Austin, Barbour, Barlow, Brown, Calvert, Cheek, Cochran, Coffman, Colyer, Conway, Cruse, Culley, Culp, Dillon, Duff, English, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, Henderson, Irvine, Knot, May, Merrifield, R. Mitchell, D. Morris, Murrell, Nuttall, Parker, Perrin, Pope, Riffe, Ryon, Seaton, Slaughter, Stevenson, Stone, Trimble, Vanmetre, Ward, Watkins, A. S. White, J. P. White, T. J. White, Wickliffe, Wigginton, J. W. Williams, S. Williams and Wortham—54.

It was then moved and seconded, that this house recede from the said eleventh and thirteenth amendments to the said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. L. Anderson and G. Davis, were as follows, viz:

YEAS—Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Barlow, Brown, Burnett, Byers, Calvert, Cochran, Coffman, Conway, Culley, Culp, Dillon, English, Garnett, Hapson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Irvine, Knot, May, Merrifield, R. Mitchell, Montgomery, Jas. Morgan, D. Morris, Murrell, Parker, Perrin, Pope, Riffe, Ryon, Sayers, Seaton, Stevenson, Stone, Trimble, Vanmetre, Ward, A. S. White, J. P. White, T. J. White, Wickliffe, Wigginton and Wortham—53.

NAYS—Messrs. Bradley, Cheek, Clarke, Colyer, Combs, Crockett, Cruse, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gatewood, Grundy, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, McClure, McGoodwin, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, G. Morris, Nuttall, Paris, Phelps, Shackelford, Slaughter, Sneed, Sterett, Tompkins, Underwood, Watkins, D. White, J. W. Williams, S. Williams and Wilson—41.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to bills which originated in this house of the following titles:

An act to incorporate the Buck run academy.

An act for the benefit of John F. Power.

An act for the benefit of Polly Rains.

An act for the benefit of Elizabeth Miller.

An act for the benefit of Amanda Eoff.

An act for the benefit of Drury Evans.

The passage of bills which originated in this house, of the following titles:

An act for the benefit of Isabella Rowland.

An act to amend the several laws establishing and regulating towns in this Commonwealth.

An act for the benefit of the sheriff of Muhlenburgh county.

An act to change the place of voting at Christiansburg, Shelby county.

An act to establish an election precinct in Garrard county.

An act for the benefit of Mary Ann Forester.

An act for the benefit of the constables of Scott county.

An act for the benefit of James Buchanan.

An act for the the benefit of William B. Cook.

An act for the benefit of Amelia S. Barnes.

An act for the benefit of William M. Brake, and others.

And the passage of bills which originated in the Senate of the following titles:

An act to explain the powers of the several County Courts of this Commonwealth.

An act establishing the Louisville Chancery Court.

An act prescribing the duty of Clerks in certain cases.

An act for the benefit of Isabella and William Steele.

An act to appoint an additional justice of the peace in the county of Gallatin, and for other purposes.

An act authorising the change of venue in civil cases.

On the motion of Mr. L. Anderson—

Ordered, That leave be given to bring in a bill to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved December 31, 1832, and that Messrs. L. Anderson, Harrison and Alsop, prepare and bring in the same.

Mr. J. S. Morgan from the committee, to whom was referred a bill, entitled, an act to repeal the act, approved February 1st, 1833, entitled, an act to amend the law imposing a tax on merchandise—reported the same with an amendment.

It was then moved and seconded to lay the said bill and amendment on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and Jonas, were as follows, viz:

YEAS—Messrs. Barlow, Burnett, Cheek, Culp, J. Davis, Duff, Irvine, McClure, Montgomery, S. Williams, Wilson and Wortham—12.

NAYS—Mr. SPEAKER, Messrs. Allen, Alsop, A. Anderson, L. Anderson, Austin, Barbour, Bradley, Brown, Byers, Cochran, Colyer, Conway, Culley, Cunningham, G. Davis, Dillon, English, Gardner, Garnett, Gatewood, Grundy, Hanson, Haskin, Hedleston, J. L. Helm, T. J. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jonas, Jopes, Knot, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Murrell, Nuttall, Paris, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Stone, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, J. P. White, T. J. White, Wigginton and J. W. Williams—74.

The said bill with the amendment, was then committed to the committee of ways and means.

Mr. L. Anderson from the committee of internal improvements, to whom was referred a bill from the Senate, entitled, an act making an appropriation to aid the counties of Calloway and

Graves, in building certain bridges—reported the same without an amendment.

The said bill having then been amended at the Clerk's table, was ordered to be read a third time, as amended, on to-morrow.

Mr. L. Anderson from the same committee, to whom was referred a bill to amend the law, establishing a state road from Lexington to Ghent, on the Ohio river—reported the same.

Which was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, second and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. L. Anderson from the same committee, to whom was referred a bill from the Senate, entitled, an act to incorporate a road from Frankfort to Lexington, by way of Versailles—reported the same without amendment.

And said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. L. Anderson and Watkins, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Byers, Cheek, Cochran, Colyer, Cunningham, G. Davis, Dunlap, Hanson, J. L. Helm, Hinton, Hunton, Johnson of Scott, Jonas, Marshall, May, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, G. Morris, Murrell, Parker, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Sneed, Sterett, Stevenson, Tompkins, Trimble, Underwood, Vanmetre, Ward, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, S. Williams and Wilson—46.

NAYS—Messrs. Allen, A. Anderson, Austin, Barlow, Bradley, Burnett, Calvert, Coffman, Conway, Culley, Culp, J. Davis, Dillon, Duff, Gardner, Garnett, Gatewood, Grundy, Heddleston, T. J. Helm, Henderson, Irvine, Jasper, Johnson of Livingston, McClure, McGoodwin, Merrifield, Morehead, Jas. Morgan, Paris, Perrin, Stone, J. P. White, J. W. Williams and Wortham—34.

Mr. L. Anderson from the same committee, to whom was referred a bill from the Senate, entitled, an act authorising the erection of a bridge across main Licking river, at or near its junction with the Ohio river—reported the same with an amendment.

Which being twice read, was concurred in.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

Mr. L. Anderson from the same committee, to whom was referred a bill, entitled, an act to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee state line, in a direction to Knoxville—reported the same without amendment.

Mr. Irvine then moved to amend the said bill, by adding thereto the following section:

Be it further enacted, That the further sum of two thousand dollars be, and the same is hereby appropriated, to the improvement of the road, leading from Brooks' ferry, on the Tennessee river, to Columbus, in Hickman county, by the way of Wadsworth, in Calloway county, and Mayfield, in Graves county.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. S. Williams and McClure, were as follows, viz:

YEAS—Messrs. Allen, Barbour, Burnett, Byers, Calvert, Crockett, Dunlap, Gardner, Grundy, Hanson, Irvine, Johnson of Livingston, Jones, Marshall, J. W. S. Mitchell, Jas. Morgan, Parker, Perrin, Phelps, Pope, Sayers, Sneed, Stevenson, Tompkins, Trimble, Underwood and Wigginton—27.

NAYS—Messrs. Alsop, L. Anderson, Austin, Barlow, Cochran, Colyer, Conway, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Garnett, Gatewood, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Jonas, McClure, McGoodwin, Merrifield, Morehead, G. Morris, Murrell, Paris, Riffe, Ryon, Seaton, Shackelford, Sterett, Stone, Ward, Watkins, D. White, J. P. White, J. W. Williams, S. Williams, Wilson and Wortham—45.

The said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Gardner and S. Williams, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cheek, Coffman, Colyer, Conway, Crockett, Culley, Cunningham, G. Davis, Dunlap, Gatewood, Grundy, Hanson, Harrison, J. L. Helm, T. J. Helm, Hinton, Jasper, Johnson of Scott, Jonas, Jones, McClure, Marshall, May, J. W. S. Mitchell, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, Murrell, Parker, Perrin, Phelps, Pope, Riffe, Ryon, Sayers, Seaton, Sterett, Stevenson,

Tompkins, Trimble, Vanmetre, Ward, Watkins, D. White, Wickliffe, Wigginton, S. Williams, Wilson and Wortham—55.

NAYS—Messrs. Allen, Barlow, Bradley, Burnett, Calvert, Cochran, Culp, J. Davis, Duff, Gardner, Garnett, Henderson, Irvine, Johnson of Livingston, McGoodwin, Merrifield, Paris, Shackelford, Sneed, Stone, Underwood, A. S. White, J. P. White and J. W. Williams—25.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. L. Anderson from the same committee, to whom was referred a bill from the Senate, entitled, an act to Turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's hill—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

Mr. L. Anderson from the same committee to whom was referred a bill from the Senate, entitled, an act to improve the navigation of big Barren river; also, a bill from the Senate, entitled, an act to amend the act, to incorporate the Rolling fork bridge company, approved, December 2, 1831; and to authorise the construction of a bridge across big Barren river—reported the same with amendments to each.

Which being twice read, were concurred in.

And the said bills ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with,

Resolved, That the said bills, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the said amendments.

Mr. L. Anderson from the same committee, to whom was referred a bill from the Senate, entitled, an act to improve the road from Carlisle, Flemingsburg, &c. to the mouth of big Sandy river; also, a bill from the Senate, entitled, an act for the benefit of the Lexington and Ohio Rail Company—reported the same without amendment.

The said bills were then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

Mr. L. Anderson from the same committee, to whom was refer-

red a bill to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup—reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time.

1. An act for the benefit of William Samuels, late sheriff of Nelson county.

2. An act for the benefit of the sheriff of Barren county.

3. An act providing for the erection of a bridge across the Beech fork in Washington county.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills having been dispensed with; the first and second (the first being amended at the Clerk's table,) were ordered to be read a third time; and the third was committed to the committee of internal improvements.

And thereupon, the rule of the house, constitutional provision, and third reading of the first and second bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the first bill.

Mr. Trimble from the select committee to whom was referred an engrossed bill, entitled, an act for building a bridge across main Licking, at Claysville—reported the same with amendments.

The first of which being concurred in,

The House then adjourned.

TUESDAY, FEBRUARY 18, 1834.

1. Mr. Wickliffe presented the petition of sundry citizens of Marion county, praying that the law establishing said county, may be repealed.

2. Mr. Marshall presented the petition of sundry citizens of Franklin county, praying for an additional justice of the peace and constable in said county.

Which were severally received, the reading thereof dispensed with; the first was laid on the table; and the second referred to the committee on propositions and grievances.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act authorising the building of an Arsenal for the security and preservation of the public arms.

An act to allow an additional justice of the peace to Bullitt county.

An act to improve the navigation of big Sandy river.

An act to incorporate the Shepherdsville and Elizabethtown Turnpike road company.

An act to amend an act entitled, an act to establish a state road from Berry's ferry, on the Ohio river, to Salem, and from Madisonville to Salem, approved January 22, 1830.

An act to incorporate the Green river Turnpike road company.

An act to enlarge the boundaries of Georgetown, and for other purposes.

An act for the benefit of William Shackleford.

An act to establish and regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's precinct in Estill county, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in amendments proposed by this house to an act which originated in the Senate, entitled,

An act to amend the charter of the city of Louisville.

And the passage of a bills which originated in this house of the following titles:

An act to improve the navigation of Nolin.

An act to allow the county of Mason an additional justice of the peace, and for other purposes.

An act for the benefit of Elizabeth Godley—with amendments to each.

And the passage of a bill which originated in the Senate, entitled,

An act amendatory of the several acts, relating to the town of Newport, in Campbell county.

A bill for the benefit of John Fletcher, was read a second time, and referred to the committee on claims.

Mr. Helm from the select committee, to whom was referred a bill from the Senate, entitled, an act supplementary to an act, entitled, an act to establish the county of Marion—reported the same with amendments.

Which being twice read, were concurred in.

Mr. Wickliffe then moved to amend said bill, by adding thereto the following additional section:

WHEREAS, an act to establish the county of Marion, has passed at the present session of the General Assembly, and it is now represented that the citizens in the said county are, or a large majority of them, dissatisfied with the said county, and desire leave to manifest that fact, and as the law has not yet taken effect; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the law aforesaid, entitled, an act to establish the county of Marion, approved the 25th day of January 1834, and the provisions of this act be, and the same are hereby suspended, and the same shall not take effect, or go into operation until after the end of the next session of the Legislature. Nothing in this act shall be so construed, as to prevent or prohibit, the said Legislature at its next session from repealing the said law.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. ——— and ———, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Brown, Byers, Cochran, Crockett, Crow, G. Davis, Dunlap, Hinton, Jonas, McClure, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, G. Morris, Parker, Riffe, Shackelford, Slaughter, Sterett, Tompkins, Underwood, D. White, Wickliffe, Wigginton, S. Williams, Wilson and Wortham—34.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Clarke, Coffman, Colyer, Conway, Cruse, Culley, Culp, Cunningham, J. Davis, Dillon, Duff, English, Gardner, Gatewood, Grundy, Hanson, Haskin, J. L. Helm, T. J. Helm, Henderson, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Knot, Montgomery, Jas. Morgan, Murrell, Nuttall, Paris, Perrin, Phelps, Ryon, Sayers, Seaton, Stevenson, Stockton, Stone, Trimble, Vanmetre, Ward, J. P. White, T. J. White and J. W. Williams—50.

The said bill was then ordered to be read a third time.

Mr. D. White from the select committee, appointed for that purpose, reported a bill to change the time of holding the Laurel Circuit Court, and for other purposes.

Which was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, second and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

The remaining amendment proposed to an engrossed bill, entitled, an act for building a bridge across main Licking, at Claysville, was then agreed to.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to amend and reduce into one the several acts concerning private passways, in certain counties.

An act to establish the Bank of Kentucky.

An act to authorise the County Court of Washington county, to increase the allowance to patrols of said county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Alsop from the select committee, appointed for that purpose, reported a bill to incorporate the Israelite congregation, in the land of the West, at the city of Louisville.

Which was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

The amendments proposed by the Senate, to bills which originated in this house, of the following titles: were twice read and concurred in:

An act for the benefit of Elizabeth Godley.

An act to improve the navigation of Nolin.

An act for the benefit of the mechanics of the towns of Covington and Newport.

An act authorising the appointment of Clerks in vacation.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate announcing their concurrence in the amendments proposed by this house, to bills which originated in the Senate of the following titles:

An act authorising the erection of a bridge across main Licking river, at or near its junction with the Ohio river.

An act to Turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's hill.

An act for the benefit of William Samuels, late sheriff of Nelson county.

An act to amend the act, to incorporate the Rolling fork bridge company, approved December 2, 1831, and to authorise the construction of a bridge across big Barren river.

And their disagreement to the first and second amendment and their concurrence in the third amendment proposed by this house, to a bill which originated in the Senate, entitled, an act to amend the law prescribing penalties for obstructing navigation—with an amendment.

And their concurrence in the amendments proposed by this house, to a bill which originated in the Senate, entitled, an act to improve the navigation of big Sandy river—with amendments.

And the passage of bills which originated in this house of the following titles:

An act changing the time of holding the Laurel Circuit Court, and for other purposes.

An act for the benefit of Celia E. Seth and Jane Johnson, infants.

An act to legalize the proceedings of the County Court of Livingston, at their February term, 1834.

An act for the benefit of John Holt, Sen.

An act to repeal an act, entitled, an act for the benefit of the Boone Academy, approved January 2nd, 1833.

An act to declare Rockcastle creek, a navigable stream.

An act to repeal the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike road, approved January 11th, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

An act to prevent the burning of the woods in certain counties—with amendments to the two latter bills.

And the passage of bills which originated in the Senate of the following titles:

An act to increase the pay for travelling of the members of the General Assembly.

An act providing a more speedy remedy for the recovering possession of real and leasehold estate, sold under execution.

A bill from the Senate, entitled, an act for the benefit of William and Isabella Steele—was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with,

Resolved, That said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

The house took up for consideration, a bill from the Senate, entitled, an act to incorporate the Bank of Maysville.

Mr. Jonas then moved to amend the said bill by adding thereto, the following additional sections, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be, and is hereby established, in the city of Lexington, a Bank, by the name of the "Farmers and Mechanics Bank of Lexington," with a capital of one million of dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies or corporations, in the manner hereinafter mentioned and specified; which subscribers, shareholders, their successors and assigns, shall be, and are hereby created a body politic and corporate, by the name and style of the President, Directors and Company, of the Farmers and Mechanics Bank of Lexington, and shall so continue, a body politic and corporate, until the first day of January, one thousand eight hundred and fifty-five, and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts or places, and in all matters whatsoever, as natural persons, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of all such real estate, goods, effects and chattles, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said Bank, as collateral security for, or received in payment of, any debt which may become due, or owing to the same, or which may be conveyed or purchased in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and alter, change or renew the same at pleasure; and may make, ordain and establish, and put in execution, such bye-laws, ordinances, rules and regulations, as may be necessary and proper for the good government of said Bank, and the prudent and efficient management of its affairs: *Provided,* The same shall not be in any wise contrary to the constitution and laws of this State, or of the United States.

SEC. 2. That said Bank shall have, and keep an office of discount and deposite in the city of Lexington, and at no other place, where its banking business shall be transacted, and its books of accounts, journals and records shall be kept; and it shall be lawful for said Bank to loan money, deal in bills of exchange, checks and promissory notes; and to discount upon banking principles and usages, bills of exchange, post notes, promissory notes, and other negotiable paper, for the payment of a sum of money certain; also, to issue bills, or bank notes, payable to bearer on demand, and at its office of discount and deposite; also, to draw and issue post notes and bills of exchange, on individuals, companies or corporations, payable to order, and at such place, and at such time or day as the directors, for the time being, may deem expe-

dient: *Provided*, That it shall not be lawful for said Bank to issue any bank notes, post notes, promissory notes, checks or orders, payable to bearer, or to any individual or individuals, companies or corporations, of a less denomination than five dollars; nor shall it issue any bills, notes, checks or orders, payable to bearer, other than such as are made payable, on demand, at its office of discount and deposite. The promissory notes made payable to any person or persons, and negotiable and payable at the Farmers and Mechanics Bank of Lexington, and endorsed to, and discounted by said bank, shall be, and they are hereby placed on the same footing as foreign bills of exchange, so that the like remedy may be had, jointly or severally, against the drawer or drawers, and endorser or endorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other promissory notes. The Bank shall not directly, or indirectly, deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods and chattles, rights and credits, really and truly pledged for money lent and not redeemed in due time, or goods that shall be the proceeds of its lands.

SEC. 3. That said Bank shall not, at any time owe, whether by bond, bill, note or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposite; and in cases of excess, the President and Directors, under whose administration it shall have accrued, shall be liable for all, or any of the debts of said Bank, in their natural and private capacities, by a joint or several action of debt against them, their or any of their respective heirs, executors or administrators, in any court having jurisdiction thereof, by any creditor or creditors of said Bank, and may be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, Said Bank, or the lands, tenements, goods, chattels and funds of the same be inadequate to satisfy the excess; and if the President, or any director shall be absent when the excess may be contracted or created, or being present shall dissent from the resolution or act by which the excess is about to be contracted or created, he or they shall not be liable, under this section, if he or they shall, within ten days from the creation or discovery thereof, make affidavit of their absence or dissent, and file the same for record, with the proper recording officer for the county or city, and shall moreover, within the said ten days, give notice thereof, in one of the public newspapers printed in the city of Lexington; and said notice shall call a meeting of the shareholders, which they are hereby authorised and required to do.

SEC. 4. That said Bank shall not, at any time suspend, fail, or refuse payment, in gold or silver, of any of its notes, bills or other obligations, due and payable, or any monies received on de-

posite; and in case the officers, in the usual banking hours, at the office of discount and deposit of said Bank, shall fail, refuse or unreasonably delay payment, in gold or silver, of any note or bill of said Bank, there presented for payment, or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive the payment of the same, said Bank shall be liable to pay, as additional damages, at the rate of twelve per centum per annum, on the amount thereof, from the time of such failure, refusal or delay, until the payment thereof; and for such failure or refusal, as well as for a violation of any of the provisions of this charter, the same shall be forfeited, and a *scire facias* sued out in the name of the Commonwealth of Kentucky, on the motion of the Attorney for the Commonwealth, or Attorney General, and such proceedings had as to declare such forfeiture by the judgment of the Court, and from and after the rendition of said judgment of forfeiture, said corporation shall cease to exercise any of the powers or privileges granted in this charter: *Provided*, That such forfeiture shall not be so construed as to prevent said Bank from suing and being sued, and continuing said corporation for the purpose of closing its concerns, and from making all contracts that may be necessary and proper for that purpose.

SEC. 5. That the real and personal estate, business, property, funds and prudential concerns of said Bank, and the administration of its affairs shall be under the direction, management and control of a board of nine directors, who shall be stockholders, three months previous to the election, after the first election, and residents of this State, and citizens of the United States; and after the first election they shall be elected annually on the first Monday in May, by the stockholders, at such time of the day, and at such place in the city of Lexington, as the President and Directors for the time being, may prescribe. They shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of every such election shall be published in at least two public newspapers printed in the city of Lexington, for at least sixty days next preceeding the same, and shall be by ballot and plurality of votes, to be read in public, and counted after all the ballots are taken, by and under the inspection of three stockholders under oath, and not directors, at the time, and previously appointed by the President and Directors for that purpose. At every election and meeting of the stockholders, held under the provisions of this charter, each and every shareholder shall be entitled to one vote for each and every share he or she may hold in his or her own right, up to fifty, and for every five shares over fifty shares, every stockholder shall be entitled to one vote, up to one hundred; and for every twenty shares in addition, each shareholder shall be entitled to one vote; and after the first election, no

share shall confer the right of suffrage which shall not have been holden by the then owner thereof, and so appear on the books of said Bank, at least three calendar months previous to the election. Any stockholder not personally attending such election, or other regular meeting of the stockholders, and having the right to vote, may vote by proxy, such proxy being granted to a stockholder actually attending the election or meeting. And no director of any other Bank shall be eligible to the office of Director to this Bank, notwithstanding he may be a stockholder therein; and any Director of this Bank accepting an office in another Bank, shall be deemed to have vacated his place in this Bank; nor shall two partners in trade be eligible as Directors in this Bank, at one and the same time. And if it shall so happen that an election of Directors shall not be made on any day, when by this act it ought to have been made, the corporation shall not, for that cause be dissolved: but it shall be lawful for the stockholders to make an election of Directors on any other day that may be designated by their by-laws; and if the President, Cashier or any Director, shall fail or become insolvent, after his election or appointment, he shall thereby become incapable to serve in that capacity, and his place shall be supplied in the manner prescribed in the sixth section; nor shall he again be eligible until those debts be paid, and a discharge obtained; nor shall any person who may have ever failed in business, hold the office of President, Director or Cashier, unless he has paid off the debts for which he failed, or obtains an acquittal or discharge from all liability upon such debts.

SEC. 6. The Directors chosen under the provisions of this charter shall, as soon as may be, after the first and every annual or other election, elect a President from their own body, who shall preside at a board until the next election; and in case of the death, absence or resignation of the President, the board shall choose a President *pro tempore*; they shall fill all vacancies which may occur in their own body, during the time for which they shall have been elected, and appoint a Cashier and subordinate officers, clerks, agents and servants of said Bank, fix their compensation, define their powers and prescribe their duties: and shall require of them such bonds, and in such penalties, and with such conditions and securities as they shall deem right, which bonds shall be laid monthly before the Directory, who may then, and at such other times as deemed proper, require the same to be altered or amended, and demand other additional security; such officers shall remain during the pleasure of the board, under such regulations, restrictions and limitations, as the President and Directors for the time being may prescribe, not contrary to the provisions of this charter, and the by-laws, rules and regulations of the Bank. The President and Directors, five of whom shall form a quorum, may, from time to time, make such by-laws, rules and regulations, for

their government, and for the management and disposition of their property, estate, funds and business of the Bank, and all matters appertaining thereto, which they may judge expedient, not contrary to the provisions of this charter, and the by-laws, rules and regulations which the stockholders may from time to time, prescribe at their annual or other meetings. They shall hold stated meetings at least once a week, on such day, and at such hour of the day, as they may from time to time appoint, and at such other times as the President shall order and direct; and a majority shall constitute a quorum, and be competent to the transaction of any business within the scope of their power, and connected with their official duty; and all questions before the board, shall be decided *viva voce*, by a majority of those present, any two of whom may require the yeas and nays on any proposition submitted, entered and recorded on their journal of proceedings; and no vote shall be reconsidered when a less number are present, than when the original vote was given. They shall, on the first Monday in January and July, annually, make and declare such dividends, resulting from the profits of said Bank, as shall not in any wise lessen the capital stock of the same, and cause such dividends to be paid on demand to the several stockholders thereof; that the Cashier of said Bank shall on the first day of July, 1835, and on the same day annually thereafter, pay into the Treasury of the State, forty-cents on each share held by the stockholders in said Bank, which shall be in full of all tax or *bonus* on said Bank: *Provided*, That the Legislature may increase or reduce the same; but at no time shall the tax imposed on said Bank, exceed fifty cents on each share held in said Bank: *Provided however*, That no dividend shall be declared of the profits of said Bank, until there shall be a surplus of contingent fund of twenty thousand dollars, for one million of stock paid in, and after that rate; and the contingent fund shall never be reduced below that ratio on the amount of stock paid in. And if the President and Directors of said Bank, shall at any time make any dividends of the profits, or other property of the Bank, by which the capital stock thereof shall in any wise be lessened, or impaired, or shall by any mismanagement or neglect of duty cause any loss or deficiency of the capital stock of the Bank, the Directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly or severally liable in their individual capacities to any stockholder or creditor of said Bank, who may be injured thereby; and the President, and each and every Director shall be deemed to have consented to such dividend, and been guilty of such mismanagement or neglect, unless he shall forthwith give notice of his dissent thereto, or absence from the institution, in like manner as is provided in the third section of this charter, and call a meeting of the stockholders as therein provided for.

SEC. 7. That if the Cashier, or any of its officers, agents, or servants of said corporation, shall embezzle, and without authority from the President and Directors of said Bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the President, Directors and Company of said Bank, or shall fail to make correct entries on the books of said Bank, with the intent to defraud said Bank, or any other person whatever, said officer, agent or servant of said Bank, shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the Jail and Penitentiary of the state, for a period not less than five, nor more than twenty years.

SEC. 8. That the said board of Directors shall allow and pay to the President of said Bank, such compensation as they shall, from time to time, deem just; but no compensation, salary or reward shall be allowed to any Director for his services, unless the same shall be voted by the stockholders at some regular meeting. And it shall be the duty of the President and Directors, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete settlement thereof, and a statement of such examination and settlement shall be entered on the journals of the proceedings of the board. It shall not be lawful for the Cashier or other subordinate officer, clerk or teller of said Bank, either directly or indirectly to engage in, or carry on any other business than that of said Bank, without the special license of the President and Directors of said Bank, under the penalty of five thousand dollars, to be recovered in the corporate name, and for the use of said Bank: nor shall the Cashier or other subordinate officer, clerk or teller of said Bank, either directly or indirectly, become indebted to said Bank, either as borrower, or endorser, or surety; nor shall the Cashier, clerk or teller of said Bank, be permitted to vote at any election for Directors, as the attorney, agent or proxy of any stockholder.

SEC. 9. That it shall be the duty of the President and Directors of said Bank, during the first week of the session of the Legislature, each year, to transmit to the Auditor of this State, an accurate and just statement of the condition of the Bank, as it existed on the first day of the preceeding month; which statement shall specify the amount of the capital stock actually paid in, and the value of the real estate belonging to the same, together with its cost, the amount of stock (if any) subscribed and not paid for, the total amount of debts due to and from said Bank, the amount of gold and silver, and other coined metal on hand, the money deposited, of bills in circulation, of bills on hand of solvent Banks incorporated by this State, and of those incorporated by each of the other States, or by the United States, the number of notes in circulation of each denomination issued by the Bank, the rate and

amount of each dividend of profits made by the Bank, with the amount of the surplus or contingent fund of said Bank; which statement shall be laid before the Legislature of Kentucky, at its then session, and the Auditor shall cause the same to be published, at the expense of the Bank, in a public newspaper printed at the seat of government, and in one printed in the city of Lexington.

SEC. 10. That the President and Directors shall keep a record and journal of their proceedings, which they shall produce to the stockholders, when by them demanded at any regular meeting; and they shall be open to the inspection and examination of any three or more stockholders holding together in their own right one hundred shares of the capital stock, at any time within thirty days of an annual election of Directors, on application to the President or Cashier; and the books, papers, correspondence and funds of said Bank, shall at all times be subject to the inspection of the board of Directors, or any one or more members thereof.

SEC. 11. That the certificates of deposit, bills, notes, bills of exchange, post notes or orders of said Bank, signed by the President, and countersigned by the Cashier, promising or directing the payment of money to any person or persons, or order, or to bearer, shall be obligatory on said Bank, though not under the seal thereof; and all such bills, notes, or orders, payable to order, shall be transferable and negotiable by endorsement, and those payable to bearer, on delivery. That the shares of the capital stock of said Bank, shall be considered and held in law, as personal property, and assignable and transferable only in such manner as the President and Directors shall prescribe. It shall not be lawful for the corporation hereby created, either directly or indirectly, to use or employ any of its capital stock, money, funds or effects in trade or business of buying and selling goods, wares and merchandise, in any way or manner whatever, save as provided in section first.

SEC. 12. That said Bank shall not contract for, or receive a greater rate of interest than at the rate of six per cent. per annum, for the loan or forbearance of money, and interest on promissory notes, negotiable and payable at said Bank, and there discounted, shall be calculated on the true time such notes have to run, including three days grace, and shall be paid in advance, and on banking principles, in conformity to Rowlett's tables of discount and interest.

SEC. 13. That a general meeting of the stockholders of said Bank, shall be held in the city of Lexington, on the first Monday in May, in each year, at the time and place of holding the election for Directors; to which meeting the Directors for the year immediately preceeding, shall present an exact and accurate statement of the condition and affairs of said Bank, and of the surplus and contingent fund (if any) arising from the profits thereof, after

deducting losses and dividends; and general meetings of the stockholders may be held in the city of Lexington, at any other time when ordered by the President and Directors, or by any number of stockholders, their by-laws may prescribe.

SEC. 14. That John W. Hunt, John Brand, Benjamin Gratz, Benjamin Taylor and Walter Dunn, of Fayette county; David C. Humphreys, Noah Haydon and James McConnell, of Woodford county; William Johnson, Manlius V. Thompson and Job Stevenson, of Scott; Hugh I. Brent, Garret Davis and John B. Rain, of Bourbon; Samuel Hanson, Isaac Cunningham and Francis F. Jackson, of Clarke; William Rodes, Curtis Field and John White, of Madison; George I. Brown, Oliver Anderson and Harrison Daniel, of Jessamine; and George Howard, John Williams and James S. McGowan, of Montgomery; are hereby constituted and appointed commissioners to open and receive subscriptions for the capital stock of said Bank, and to superintend the election of the first board of Directors thereof, any three of whom shall be competent to exercise the powers and perform the duties required of them by this act. They shall have power, and are hereby authorised on the second Monday in April next, or at any other time within twelve months thereafter, having given not less than thirty days notice thereof in one or more newspapers printed in the city of Lexington, Georgetown, Paris and Richmond, to open books of subscription at some suitable place in the city of Lexington, Georgetown, Paris, Mount-Sterling, Winchester, Richmond, Nicholasville and Versailles, for the capital stock of said Bank, and to keep said books open from 10 o'clock in the forenoon, until 4 o'clock in the afternoon, for sixty days, (Sundays excepted) or until at least five thousand shares of said stock shall have been subscribed, when the same may be closed; and if more than ten thousand shares shall have been subscribed, the said commissioners shall deduct the amount of such excess from the largest subscriptions in such manner as that no subscription shall be reduced while one remains larger; and in case the full amount of ten thousand shares shall not have been subscribed for at the time of closing the subscription books as aforesaid, the said books may be re-opened for subscription under the superintendence of the President and Directors of said Bank, on the second Monday in May, in each year, or at any other time they may choose, and may be kept open from 10 o'clock in the forenoon, until 4 o'clock in the afternoon, for thirty days, (Sundays excepted) at some suitable place in each of the aforesaid places, until the whole of the capital stock of said Bank shall have been taken: the said President and Directors causing due notice of the re-opening the books of subscription for the capital stock of said Bank, to be given in one or more newspapers printed as aforesaid; and the said commissioners, on closing of the books of subscription, or when five thousand shares have been sub-

scribed, shall give public notice thereof in the newspapers as aforesaid; and by the same notice shall appoint the day, hour and place in the said city of Lexington, not less than thirty, nor more than sixty days from the date of such notice, for the subscribers of said stock to meet and choose the first board of Directors for said Bank, who shall continue in office until the first Monday in May, succeeding their election, and until their successors are elected, at which election, the said commissioners, or any three of them, shall act as judges and inspectors, and having taken the necessary oath, or affirmation, for that purpose, shall perform all the duties incident to judges and inspectors of elections in other like cases.

SEC. 15. *Be it further enacted*, That it shall be lawful for the said commissioners to open, or cause to be opened, books for subscription for one half of the stock, at any place or places, they may deem expedient in the United States, on the same day or days, the same may be opened as aforesaid, and if the whole of the stock shall not be taken at the time first authorised, the President and Directors, after said Bank shall go into operation, may open books for further subscriptions, and may acquire such premium on the stock so to be subscribed as they shall deem just and reasonable, and such premium shall belong to, and become the funds and property of the Bank.

SEC. 16. That the payment of shares of said capital stock shall be made in gold or silver, and completed by the subscribers respectively, at the times, and in the manner following, viz: At the time of subscribing ten dollars on each share; within ten days after the election of the first Directors, the further sum of twenty dollars on each share; in ninety days from such election of Directors, the sum of twenty dollars on each share; and the balance due on each share shall be made in payments of twenty-five dollars in three months, and twenty-five dollars in six months thereafter: but any subscriber, may at his own option pay the full amount of his subscription at any time. And all subsequent subscriptions for said stock, shall be paid as follows: Twenty-five dollars at the time of subscribing, and twenty-five dollars in sixty days, twenty-five dollars in ninety days, and twenty-five dollars in one hundred and twenty days after the time of subscription: but no dividend shall be awarded on any share subscribed for, after the first election of Directors, until six months shall have expired, after the same shall have been fully paid, the President and Directors shall issue scrip to the owner thereof, in such form as the stockholders may have prescribed. But if any subscriber shall fail to make the second payment of twenty dollars on each share, at the time the same shall be payable, as herein before required, such subscriber shall forfeit to the said company, the sum of ten dollars before paid; and such shares shall thereafter be liable to be resold by the President and Directors, as other unsubscribed stock, and if there shall

be a failure in any of the subsequent payments for any of the capital stock, after thirty dollars shall have been paid on each share, the subscriber so failing, shall be entitled to no dividend, until his stock is fully paid up; and if any subsequent subscribers for stock mentioned in this section, after having paid twenty-five dollars at the time of subscribing, fails to pay the second instalment of twenty-five dollars, when due, he or they shall forfeit ten dollars of the twenty-five dollars paid, and his shares shall be liable to be resold as other unsubscribed stock.

SEC. 17. That so soon as two hundred and fifty thousand dollars of the capital stock shall have been paid in gold and silver, and in notes of the Bank of the United States, of which one hundred thousand dollars shall be in gold or silver, the President and Directors shall cause the Governor of this state to be notified thereof, who is hereby authorised to appoint some suitable person to examine and count the money so paid, and actually existing in the hands of the Directors of said Bank, as such capital stock; whose duty it shall be, at the expense of the Bank, to make such examination and count, and ascertain by the oath of the President, and at least six of the Directors, that said money has been actually paid in, *bona fide*, as part of the capital stock of the Bank, and forthwith to make due return thereof to the Governor, who, on the sum of two hundred and fifty thousand dollars appearing to have been actually paid in, as part of the capital stock of said Bank, in gold and silver, and in notes of the Bank of the United States, of which at least one hundred thousand dollars shall be in gold or silver, and the residue in notes of the Bank of the United States, shall cause proclamation to be made to that effect, and published in one of the newspapers printed in Frankfort, and one printed in Lexington at the expense of the Bank; and on the first publication of such proclamation, it shall be lawful for said Bank to commence its business operations, as a banking institution, and not before.

SEC. 18. *Be it further enacted*, That the President, Directors, Cashier, Clerks and Teller, previous to entering on the duties of their several offices, shall take an oath before some justice of the peace of the county of Fayette, faithfully and honestly to discharge the duties of their several offices and stations created by this charter, or which may be required by the by-laws of said corporation; and, furthermore, that they will not, during their continuance in office, sanction or permit any of the provisions of this charter, to be violated, if in their power to prevent it; and, further, should any such violation of this charter be committed by the President and Directors, or any of them, that they will immediately communicate the fact of such violation to the Attorney for the Commonwealth, or Attorney General, whose duty it shall be to sue out a *scire facias*, for a forfeiture of the same.

SEC. 19. *Be it further enacted*, That the Commonwealth of

Kentucky, shall have power, at any time within five years, from and after the passage of this act, to add to the capital stock of said Bank, any amount of shares not exceeding five thousand, and to cause the same to be subscribed and taken on behalf of the Commonwealth; and upon the stock, of any part thereof being subscribed and paid for, the Commonwealth shall have all the rights, privileges and benefits, which are vested in the stockholders, and no more. And the stock of the state shall be voted upon by any person authorised by law.

SEC. 20. *Be it further enacted*, That no loan shall be made by said Bank, or note or bill purchased on the pledge of the stock of the said Bank, in any event whatever; nor shall said Bank loan money, or purchase bills on the pledge of real estate to the Bank.

SEC. 21. *Be it further enacted*, That real estate purchased by the Bank under judgments or decrees in its favor, or under judgment or decrees of others, when it shall be necessary to purchase the estate in order to secure the payment of some debt due the Bank, shall be sold by the Bank, within five years from the time the estate shall be fully acquired as aforesaid: and if not sold in that time, it shall be forfeited to the Commonwealth, and be vested without office found.

SEC. 22. *Be it further enacted*, That aliens, who may hold stock in said Bank, shall not have the right to vote for Directors in said Bank, directly or indirectly, or have any management of, or control over, said institution.

SEC. 23. That it shall be the duty of the Cashier of said Bank to make, quarterly, on the first day of January, April, July and October, a complete memorandum, in alphabetical order, of all the debts due said Bank above one thousand dollars, setting out the amount due by each individual, with the names of the endorsers and other securities: which memorandum shall at all times, be open to the examination of any stockholder or stockholders, owning one hundred or more shares of the stock in his or their own right.

SEC. 24. That no person shall be eligible to serve as a Director in said Bank, more than two years in succession, except the President, who shall at all times be eligible to re-election.

SEC. 25. That no person shall be eligible as President or Director in said Bank, who does not own twenty-five shares of the stock in his own right.

SEC. 26. That the general courts of this Commonwealth shall have jurisdiction, on motion of the Attorney General, to issue a *scire facias* against the President and Directors of said Bank, and hear and determine all questions of a forfeiture of this charter.

SEC. 27. That no stockholder, shall pay any debt he may owe the Bank, by a surrender of his stock to the Bank, until all the corporate debts are paid, and stockholders shall be compelled to pay their debts to said Bank, as other individuals.

SEC. 28. That it shall not be lawful for said Bank to issue any note, bill, or to loan money, after it shall have failed to redeem its bills or notes in specie: and if the said institution shall presume to do so, the bond, note or other instrument, or promise made to the said Bank, in consideration of such promise, shall be utterly void.

SEC. 29. That after the Bank shall commence discounting notes, that all sum or sums of money paid in the said Bank, by stockholders, shall not go as part of their stock subscriptions, until all debts due by them to said Bank, shall be first paid off and discharged.

It was then moved and seconded to lay the said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Parker and Jonas, were as follows, viz:

YEAS—Messrs. Allen, Austin, Barlow, Bradley, Brown, Burnett, Calvert, Clarke, Coffman, Conway, Crockett, Crow, Culley, Culp, J. Davis, Duff, Gardner, Grundy, Hanson, Hinton, Jasper, Johnson of Livingston, McClure, McGoodwin, May, Murrell, Paris, Perrin, Riffe, Underwood, A. S. White, Wickliffe, J. W. Williams, S. Williams and Wortham—35.

NAYS—Mr. SPEAKER, Messrs. Alsop, Barbour, Byers, Cheek, Cochran, Colyer, Combs, Cunningham, G. Davis, Dillon, Dunlap, Garnett, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Hunton, Johnson of Scott, Jonas, Knot, Marshall, J. W. S. Mitchell, Morehead, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Pope, Ryon, Sayers, Seaton, Shackelford, Sneed, Stevenson, Stockton, Stone, Tompkins, Trimble, Ward, Watkins, D. White, J. P. White, T. J. White, Wigginton and Wilson—49.

The question was then taken on adopting the said amendment to the bill, which was decided in the negative.

The yeas and nays being required thereon by Messrs. Parker and Jonas, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Austin, Brown, Burnett, Cochran, Colyer, Combs, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Garnett, J. L. Helm, T. J. Helm, Hinton, Hunton, Johnson of Scott, Jonas, Jones, Knot, Marshall, J. W. S. Mitchell, Morehead, Jas. Morgan, Murrell, Phelps, Ryon, Shackelford, Sneed, Sterett, Stevenson, Tompkins, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wilson and Wortham—41.

NAYS—Messrs. Allen, Alsop, Barbour, Barlow, Bradley, Byers, Calvert, Cheek, Clarke, Coffman, Conway, Crockett, Crow, Cruse, Culley, Culp, Gardner, Grundy, Hanson, Harrison, Haskin, Heddleston, Henderson, Jasper, Johnson of Livingston,

McClure, McGoodwin, May, J. S. Morgan, D. Morris, G. Morris, Nuttall, Paris, Parker, Perrin, Pope, Riffe, Sayers, Seaton, Stockton, Stone, Trimble, Ward, J. P. White, J. W. Williams and S. Williams—46.

The question was then taken on reading the said bill a third time, which was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Wickliffe and Jonas, were as follows, viz:

YEAS—Messrs. Alsop, Barbour, Byers, Colyer, Combs, Culp, Dillon, Dunlap, Garnett, Harrison, Haskin, Heddleston, J. L. Helm, Henderson, Jonas, Knot, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Pope, Sayers, Seaton, Stevenson, Stockton, Stone, Tompkins, Trimble, Vanmetre, Ward, J. P. White, T. J. White and Wilson—37.

NAYS—MR. SPEAKER, Messrs. Allen, Austin, Barlow, Bradley, Brown, Burnett, Calvert, Cheek, Clarke, Cochran, Coffman, Conway, Crockett, Crow, Cruse, Cunningham, G. Davis, J. Davis, Duff, Gardner, Grundy, Hanson, T. J. Helm, Hinton, Hunton, Jasper, Johnson of Livingston, Johnson of Scott, Jones, McClure, McGoodwin, Marshall, May, Morehead, Jas. Morgan, Murrell, Paris, Perrin, Riffe, Ryon, Shacklesford, Sneed, Sterett, Watkins, A. S. White, D. White, Wickliffe, J. W. Williams, S. Williams and Wortham—51.

And then the House adjourned.

WEDNESDAY, FEBRUARY 19, 1834.

A message was received from the Senate, announcing the passage of bills which originated in the Senate of the following titles:

An act to provide for a re-survey of the town of Prestonburg.

An act for the benefit of Isaac Cunningham and Matthew Thompson, the late and present sheriff of Clarke county, and concerning the collection of the revenue, and county levies in said county.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act authorising the erection of a bridge across main Licking river, at or near its junction with the Ohio river.

An act to incorporate a company to Turnpike a road from Frankfort to Lexington, by way of Versailles.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act providing for the sale of real estate in certain counties.

An act to amend the charter of the city of Louisville.

An act for the benefit of Harriet Johnson.

An act for the benefit of the devisees and heirs of Adam Link.

An act for the benefit of the sheriff of Barren county.

An act for the benefit of Amelia S. Barnes.

An act to incorporate the Winchester and Lexington Turnpike company.

An act for the benefit of Mary Ann Forester.

An act to change the place of voting at Christiansburg, Shelby county.

An act for the the benefit of William B. Cook.

An act for the benefit of James Buchanan.

An act for the benefit of the heirs of James G. Lindsey, deceased.

An act to provide for the payment of private property, taken for public purposes.

Mr. Wigginton from the select committee, appointed for that purpose, reported a bill for the benefit of the widow and heirs of Richard Hall, deceased.

Which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

The house proceeded to consider the amendments proposed by the Senate, to a bill which originated in this house of the following title: an act to amend the laws concerning tavern keepers—the said amendments (being in lieu of the whole bill, after the enacting clause) being amended.

It was then moved and seconded, that this house concur in the said amendments as amended.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. S. Morgan and S. Williams, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. Alsop, L. Anderson, Austin, Barbour, Brown, Burnett, Byers, Clarke, Cochran, Combs, Crockett, Cruse, Culley, Culp, Cunningham, G. Davis, J. Davis, Dillon, Dunlap, English, Gardner, Gatewood, Grundy, Hanson, Harrison, Heddleston, Hinton, Hunton, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, Merrifield, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Murrell,

Nuttall, Paris, Parker, Phelps, Riffe, Ryon, Sayers, Shackelford, Sterett, Stevenson, Stockton, Tompkins, Watkins, A. S. White, T. J. White, S. Williams and Wilson—59.

NAYS—Messrs. Allen, Barlow, Bradley, Calvert, Cheek, Coffman, Colyer, Crow, Duff, Haskin, Henderson, Jasper, McClure, May, R. Mitchell, Montgomery, Morehead, Jas. Morgan, Perrin, Pope, Seaton, Slaughter, Stone, Trimble, Underwood, Ward, D. White, J. P. White, J. W. Williams and Wortham—30.

Ordered, That the Clerk inform the Senate thereof.

Ordered, That the bill entitled, an act to regulate tolls on the Sandy road, and the amendments proposed by the Senate, be laid on the table.

The following bills from the Senate, were read a third time as amended.

An act supplementary to an act, to establish the county of Marion.

An act making an appropriation to aid the counties of Callo-way and Graves, in building certain bridges.

Resolved, That said bills do pass as amended.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

The amendments proposed by the Senate, to bills which originated in this house of the following titles, were twice read and concurred in.

An act to allow the county of Mason an additional justice of the peace, and for other purposes.

An act to prevent the burning of the woods in certain counties.

An act to repeal the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike road, approved January 11th, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, upon concurring in the amendment proposed by this house to a bill which originated in the Senate, entitled an act to improve the navigation of big Barren river—were twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The house proceeded to reconsider their amendments proposed to a bill from the Senate, entitled, an act to amend the law prescribing penalties for obstructing navigation.

Resolved, That this house recede from their first and second amendments proposed to said bill, and concur in the amendment proposed by the Senate, upon concurring in the third amendment proposed by this house.

Ordered, That the Clerk inform the Senate thereof.

Mr. G. Morris from the select committee appointed for that

purpose, reported a bill to establish an additional election precinct in Henderson county.

Which was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Helm from the select committee to whom was referred a bill from the Senate, entitled, an act to alter the time of holding the Meade Circuit Court, and for other purposes—reported the same with an amendment.

Which being twice read, were concurred in.

And the said bill as amended ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That the said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this house to a bill from the Senate, entitled, an act to amend the law concerning executions.

Mr. Phelps from the committee of propositions and grievances made the following report, which being twice read was concurred in:

The committee of propositions and grievances, have had under consideration the petition of Thomas J. Woodson, praying that he be permitted to bring into this state, certain slaves therein named, and have come to the following resolution thereon:

Resolved, That said petition be rejected.

The same committee have had under consideration the petition of William Thomas, praying for a donation, in consideration of services rendered and losses sustained in the Revolutionary war, and are of opinion that the same be rejected.

Mr. Phelps from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Ballitt county—reported the same with an amendment.

Which being twice read, was concurred in.

And said bill ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendment.

Mr. Helm from the committee of claims, to whom was referred a bill entitled, an act for the benefit of John Fletcher—reported the same without amendment.

And said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Hanson from the committee of ways and means, made the following report, which being twice read, was concurred in.

The committee of ways and means, have inquired into the expediency of authorising a subscription on behalf of the State, for one moiety of the capital stock of the Louisville Turnpike Company, and request the house to discharge them from the further consideration of the subject.

Mr. Hanson from the same committee to whom was referred a bill, entitled, an act to repeal the sixteenth section of an act entitled, an act to amend the Revenue laws, approved December 25, 1831—reported the same without amendment.

And the question being taken on engraving and reading said bill a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Hanson from the same committee, to whom was referred a bill entitled, an act to allow the several owners of lands in this Commonwealth, the liberty of paying the tax due thereon, which have been stricken off to the state, for the non-payment of tax by the former owners—reported the same with an amendment.

Ordered, That said bill with the amendment be recommitted to a select committee of Messrs. Marshall, Hanson and Helm.

Mr. Johnson (of Scott) from the majority of the vote by which the bill from the Senate, entitled, an act to establish the Bank of Maysville was rejected, moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crow and Parker, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Byers, Colyer, Combs, Culp, Cunningham, G. Davis, Dillon, Dunlap, English, Garnett, Gatewood, Harrison, J. L. Helm, Henderson, Hinton, Johnson of Scott, Jonas, Jones, Marshall, May, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Pope, Seaton, Shackelford, Slaughter, Sneed, Stevenson,

Stockton, Stone, Tompkins, Trimble, Watkins, D. White, T. J. White, Wigginton and Wilson—46.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Cheek, Clarke, Cochran, Coffman, Conway, Crockett, Crow, Cruse, J. Davis, Duff, Gardner, Grundy, Hanson, Haskin, T. J. Helm, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, Merrifield, Morehead, Jas. Morgan, Murrell, Paris, Perrin, Riffe, Ryon, Sayers, Sterett, A. S. White, J. P. White, Wickliffe, J. W. Williams, S. Williams and Wortham—14.

Mr. Nuttall from the majority on the vote, by which the amendment establishing an Independent Bank at Lexington, was rejected, moved a reconsideration of said vote.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crow and Nuttall, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Byers, Cochran, Colyer, Combs, Cruse, Culp, Cunningham, G. Davis, J. Davis, Dillon, Duff, Dunlap, Garnett, Gatewood, Harrison, Heddleston, J. L. Helm, T. J. Helm, Hinton, Johnson of Scott, Jonas, Jones, Marshall, May, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Ryon, Seaton, Shackelford, Slaughter, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, S. Williams, Wilson and Wortham—53.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Cheek, Clarke, Coffman, Conway, Crockett, Crow, English, Gardner, Grundy, Hanson, Haskin, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, Morehead, Jas. Morgan, Murrell, Paris, Perrin, Riffe, Sayers, Sterett, Stone, J. P. White and J. W. Williams—36.

The question was again taken on adopting the amendment proposed by Mr. Jonas on yesterday, establishing an Independent Bank at Lexington, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Crow and Barlow, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Byers, Cochran, Colyer, Combs, Cruse, Culp, Cunningham, G. Davis, J. Davis, Dillon, Dunlap, Garnett, Gatewood, Harrison, Heddleston, J. L. Helm, T. J. Helm, Hinton, Johnson of Scott, Jonas, Jones, Marshall, May, J. W. S. Mitchell, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Ryon, Seaton, Shackelford, Slaughter, Sneed, Stevenson, Stockton, Tompkins, Trimble, Underwood, Vanmetre, Watkins, A. S. White, D. White, T. J. White, Wickliffe, Wigginton, S. Williams, Wilson and Wortham—54.

NAYS—Messrs. Allen, A. Anderson, Barlow, Bradley, Burnett, Calvert, Check, Clarke, Coffman, Conway, Crockett, Crow, Duff, English, Gardner, Grundy, Hanson, Haskin, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, Merrifield, Morehead, Murrell, Paris, Perrin, Riffe, Sayers, Sterett, Stone, J. P. White and J. W. Williams—37.

Mr. S. Williams then moved to lay the said bill, as amended, on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jas. Morgan, and S. Williams, were as follows, viz:

YEAS—Messrs. Allen, A. Anderson, Barlow, Bradley, Brown, Burnett, Calvert, Check, Clarke, Cochran, Coffman, Conway, Crockett, Crow, J. Davis, Duff, English, Gardner, Grundy, Hanson, T. J. Helm, Hinton, Irvine, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, May, Merrifield, R. Mitchell, Morehead, Jas. Morgan, Murrell, Paris, Perrin, Pope, Riffe, Ryon, Sterett, Stone, Underwood, Vanmetre, A. S. White, J. P. White, Wickliffe, J. W. Williams, S. Williams and Wortham—49.

NAYS—Messrs. Alsop, L. Anderson, Austin, Byers, Colyer, Combs, Culp, Cunningham, G. Davis, Dunlap, Garnett, Gatewood, Harrison, Haskin, Heddleston, J. L. Helm, Henderson, Hinton, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Nuttall, Parker, Phelps, Sayre, Seaton, Shackelford, Slaughter, Sneed, Stevenson, Stockton, Tompkins, Trimble, Watkins, D. White, T. J. White, Wigington and Wilson—43.

Mr. Hanson from the committee of ways and means, to whom was referred, a bill to repeal the act, approved Februnry 1, 1833, entitled, an act to amend the law imposing a tax on Merchandise—reported the same with an amendment, which being twice read, was disagreed to.

An amendment being offered to said bill,

The House then adjourned.

THURSDAY, FEBRUARY 20, 1834.

Mr. English from the select committee, appointed for that purpose, reported a bill to establish an election precinct at the Beth leham meeting house, at the forks of Mill creek, in Gallatin county.

Which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision,

and second and third reading of said bill having been dispensed with.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this house upon concurring in those proposed by the Senate, to a bill which originated in this house, entitled, an act to amend the laws concerning tavern keepers.

And their disagreement to bills which originated in this house of the following titles:

An act prescribing the mode of contesting the elections of Representatives to the Congress of the United States.

An act concerning the estates of Lunatics and Idio's.

And the passage of bills which originated in this house of the following titles:

An act to incorporate the Fireman's Insurance Company, of Louisville.

An act to incorporate the city of Covington.

An act to amend the charter of the city of Lexington.

An act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river—with amendments to the two latter bills.

And the passage of bills which originated in the Senate of the following titles:

An act allowing additional constables to the counties of Shelby and Pulaski.

An act to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike road company, and for other purposes.

An act to establish an election precinct in Hart county.

Mr. Wickliffe read and laid on the table the following joint resolution:

Resolved, That a committee of five members of this house be appointed to meet a committee to be appointed by the Senate, for the purpose of consulting and recommending to the two Houses, the course it becomes their duty to pursue at the present time, upon the propriety of further Legislation at the present session, or upon the propriety of a recess, or an adjournment, *sine die*.

And thereupon, the rule of the house having been dispensed with, it was then taken up, twice read and adopted.

And thereupon, Messrs. Wickliffe, Hanson, Crockett, Johnson (of Scott) and Seaton, were appointed the committee in pursuance of said resolution.

Ordered, That the Clerk carry said resolution to the Senate, and request their concurrence.

Mr. Parker read and laid on the table the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That hereafter it shall be the duty of the President and Cashier of the Bank of the Commonwealth of Kentucky, quarterly, in the presence of the Auditor and Treasurer, to destroy, by burning, the notes on said Bank, that may be withdrawn from circulation.

And thereupon, the rule of the house having been dispensed with, it was taken up, twice read and adopted.

Ordered, That the Clerk carry said resolution to the Senate, and request their concurrence.

Mr. L. Anderson from the select committee, appointed for that purpose, reported a bill to amend an act, to authorise the sale of certain lands of Edmund H. Taylor, approved December 31, 1832.

Which was received, read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

Mr. Wickliffe from the select committee, appointed for that purpose, reported a bill further to regulate owners and occupiers of water grist mills in this Commonwealth.

Was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill, having been dispensed with, the said bill was referred to a select committee of Messrs. Alsop, Cochran and Barbour.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to improve the road from Carlisle, Flemingsburg, &c. to the mouth of big Sandy river.

An act to Turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's hill.

An act to amend the act, to incorporate the Rolling fork bridge company, approved December 2, 1831, and to authorise the construction of a bridge across big Barren river.

An act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

An act for the benefit of William Samuels, late sheriff of Nelson county.

An act for the benefit of Isabella Rowland.

An act for the benefit of the constables of Scott county.

An act to amend the several laws, establishing and regulating towns in this Commonwealth.

An act to prevent the sale of growing crops.

An act to establish an election precinct in Garrard county.

An act for the benefit of the sheriff of Muhlenburg county.

An act for the benefit of William M. Brake and others.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

The amendments proposed by the Senate, to a bill from this house, entitled, an act to amend the charter of the city of Lexington.

Was taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe to whom was referred the amendments proposed by the Senate, to a bill of this house, entitled, an act for the benefit of the Calloway County Court—reported the same with amendments.

Which being twice read, were concurred in.

And the said amendments as amended, were disagreed to.

Ordered, That the Clerk inform the Senate thereof:

A message was received from the Senate, announcing their concurrence in a resolution appointing a joint committee to confer upon the propriety of further Legislation at the present session, and that they had appointed a committee in pursuance of said resolution.

Mr. Marshall from the joint committee appointed to examine the Register's Office, made the following report:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land Office, have performed the duty required, and report as follows, viz:

That they find transcribed from the Virginia Land Office, surveys in bundles, numbered, from one to two hundred and seventy-three, neatly labelled, with an alphabet. Also, fifteen bundles containing the caveated and defective surveys upon which grants have issued; four bundles of caveated surveys, two bundles of defective surveys, and one bundle of surveys mislaid from their proper places; all neatly labelled and recorded in eleven volumes well bound, with a complete alphabet. Two bundles of Warrants located and mislaid, one bundle copies of Wills, sixteen volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet. The record of Military War-

rants from the Virginia Land Office, in two volumes, with alphabets, in good order. A list of Virginia Treasury Warrants, in two volumes. The record of Preemption Warrants, in one volume, and one volume containing the record of Warrants under the proclamation of 1763, with alphabets, in good order. Commissioners' Certificates, granted in 1779 & '80, in three volumes, with alphabets, in good order. The Sale Books of non-residents' lands, for the years 1801, '2 & '4, have a new alphabet, (though the books are somewhat worn.) The books in which the sales of 1805, '6, '7, '8, '9, '10, '11, '12, '13, '14, '15, '16, '17, '18, '19 & '20, are recorded, they find in good order, with alphabets. Two volumes, in which surveys have been registered since 1792, in good order: the said surveys are tied up in bundles, numbered from one to one hundred and forty-five, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, in eleven volumes, with an alphabet, in good order. The grants issued on the aforesaid surveys are in nineteen volumes, with an alphabet, in good order. The surveys on headright claims, are neatly registered in three volumes, with two alphabets, (one of which is much worn.) The headright plats and certificates of survey are filed in bundles, numbered from one to three hundred and fourteen, neatly labelled and recorded in seventeen volumes, with two alphabets, in good order. The grants issued thereon are recorded in twenty-eight volumes well bound, with two alphabets, in good order. Land Warrants issued under the act of 1800, the surveys and grants on the same, and also, the Tellico surveys and grants are in three volumes—they are registered in one volume; the original surveys are tied up in thirteen bundles, neatly labelled,—all in good order. Nine bundles of certificates, on which warrants have issued, seven bundles of certificates of sale of non-residents' lands, on which deeds have been made, one hundred Attorney General's opinions to the Register, three bundles county court certificates, seven bundles of caveats, since 1792, four bundles caveated surveys since 1792, two bundles of surveys not registered for want of fees, since 1792, one bundle of defective surveys, since 1792, forty-three bundles of vouchers on which the later Kentucky land warrants have issued, all neatly labelled and in good order. One volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets. Anderson and Croghan's Military Entry Books, in two volumes, with alphabets. The transcripts of Lincoln entries, in two volumes, with an alphabet, in good order. Mays' Entries, (so called,) transcribed in five volumes, with two alphabets, in good order. One volume of Green's Deputy Register of surveys made previous to June 1792. One volume of Relinquishments in tolerable order. A list of Kentucky Land Warrants, issued under the act of 1814 and subsequent acts, in three volumes, and the re-

cord of said Warrants, in ten volumes. The original surveys made on said warrants are tied up in three hundred and sixty-one bundles, neatly labelled and recorded in sixteen volumes, well bound: the grants issued thereon, recorded in twenty-eight volumes, with two alphabets, in good order. The said surveys are neatly registered in four volumes, with three alphabets in good order. Three volumes in which caveats are recorded, with alphabets. Eleven books of original entries from the county of Fayette, neatly transcribed in four volumes, well bound, with an alphabet, in good order, agreeably to an act of Assembly, approved 5th January, 1824. One book of original entries from the county of Mercer, one from Bourbon and one from Nelson, have been returned by the surveyors of said counties, to the Register's Office, agreeably to an act of Assembly, approved February 12th, 1820, all of which books of Entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the Register's office, as your committee have been informed by the Register. One volume of Military Grants for land west of the Tennessee river, one volume in which the surveys of that land are recorded, and one volume in which they are registered: the surveys are tied up in six bundles, each volume having a separate alphabet. Three volumes in which certificates of sales of lands west of the Tennessee river are recorded: five volumes of grants issued thereon, with alphabets, in good order. One volume of Henderson's field notes; one volume in which the surveys of land south of Walker's line are recorded; three volumes of grants; one volume in which the same are registered, with alphabets, in good order. The surveys are tied up in twenty-four bundles, neatly labelled. One volume of the list of Warrants south of Walker's line; one volume in which these warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume of the record of grants on the same, with alphabets, in good order, and eleven bundles of certificates of sale of lands west of the Tennessee river, on which grants have issued.

Your committee deem it an act of justice to say, that they found the office, its furniture, books and papers, in excellent order, and that their examination was greatly facilitated, both by the prompt answers of the Register and his clerks, to all the questions propounded to them, and the fact that all the books and papers were in their proper places.

Your committee are satisfied that the labors of the office have been greatly increased since the reduction of the price of warrants; and particularly since the practice has been adopted of dividing large appropriations of land into numerous small warrants and certificates of survey, upon which the state price has been remitted, and no fees are chargeable.

It has heretofore been reported to the Legislature, that the Re-

gister expended eight hundred dollars of his salary annually, for clerks' hire, on account of the increased duties of his station.—Your committee are informed that this is the fact, and incline to the opinion that it would be but an act of justice to that officer, that in all cases in which appropriations of land are made, on which the state price and fees are remitted, that some allowance be made to the Register for his increased labor. But as this would be uncertain in its amount, and something complex, your committee would recommend a definite compensation for the increased labors of the office, to enable the Register to perform his duties to the public without violation of his obligations to himself and his family, and therefore propose the following resolution.

Resolved, That the Register of the Land Office, be authorised to receive out of the fees of his office, an amount not exceeding five hundred dollars: *Provided*, That the said amount be applied to the payment of a Clerk, in said Register's Office.

JAMES CLARK,
A. S. BRAMLETTE, } *Committee of*
WM. T. WILLIS, } *the Senate.*

J. J. MARSHALL, } *Committee of*
C. A. WICKLIFFE, } *the House of*
GARRETT DAVIS, } *Representatives.*

The resolution recommended by said committee for the adoption of the house, being twice read,

It was then moved and seconded to lay the resolution on the table, until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Allen and Marshall, were as follows, viz:

YEAS—Messrs. Allen, Barlow, Bradley, Brown, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Cruse, Cunningham, J. Davis, Duff, Gardner, Gatewood, Henderson, Hinton, Jasper, Jones, McClure, J. W. S. Mitchell, J. S. Morgan, Paris, Shackelford, Sterett, Stone, Underwood, Ward, A. S. White, J. P. White, J. W. Williams, Wilson and Wortham—34.

NAYS—Mr. SPEAKER, Messrs. L. Anderson, Barbour, Burnett, Byers, Cheek, Combs, Crow, Culley, Culp, G. Davis, Dunlap, Garnett, Grundy, Hanson, Harrison, Haskin, Heddleston, T. J. Helm, Irvine, Johnson of Livingston, Jonas, McGoodwin, Marshall, May, Merrifield, R. Mitchell, Montgomery, Morehead, Jas. Morgan, G. Morris, Murrell, Nuttall, Parker, Phelps, Pope, Riffe, Ryon, Sayers, Sneed, Stevenson, Stockton, Tompkins, Vanmetre, Watkins, D. White, T. J. White and Wigginton—48.

The question being then taken on adopting said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wortham and Allen, were as follows, viz:

YEAS—Mr. SPEAKER, Messrs. L. Anderson, Barbour, Cheek, Combs, Crockett, Crow, Culp, G. Davis, Dunlap, Garnett, Hanson, Haskin, Heddleston, Irvine, Johnson of Scott, Jonas, McGoodwin, Marshall, May, Merrifield, Murrell, Nuttall, Parker, Phelps, Pope, Sayers, Seaton, Stevenson, Stockton, Tompkins, Vanmetre, Watkins, D. White, T. J. White, Wickliffe and Wigginton—37.

NAYS—Messrs. Allen, Alsop, Austin, Barlow, Bradley, Burnett, Calvert, Clarke, Cochran, Coffman, Colyer, Conway, Culley, Cunningham, J. Davis, Duff, English, Gardner, Gatewood, Grundy, T. J. Helm, Henderson, Hinton, Hunton, Jasper, Johnson of Livingston, Jones, Knot, McClure, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, G. Morris, Paris, Perrin, Riffe, Shackelford, Sneed, Sterett, Stone, Underwood, Ward, A. S. White, J. P. White, J. W. Williams, S. Williams, Wilson and Wortham—51.

A message was received from the Senate, announcing their disagreement to a bill which originated in this house, entitled, an act for the benefit of Augusta College.

The passage of bills which originated in this house, of the following titles:

An act for the benefit of James Stephenson.

An act to establish an election precinct at the Bethlehem meeting house, at the forks of Mill creek, in Gallatin county.

An act to authorise the Trustees of the town of Frankfort to obtain loans of money.

An act to amend the act incorporating the city of Maysville.

An act for the benefit of Edmund H. Earle, and others.

An act to improve the navigation of Pond river, and for other purposes.

An act for the benefit of Henry Crist.

Mr. Barlow from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county.

An act supplementary to an act entitled, an act to establish the county of Marion.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Marshall from the committee on education, to whom was referred a bill from the Senate, entitled, an act to amend an act to incorporate the trustees of the Augusta College, approved December 7, 1822—reported the same without amendment.

And said bill was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That said bill do pass.

Ordered, That the Clerk inform the Senate thereof.

Mr. Marshall from the same committee, reported bills of the following titles: a bill for the benefit of the Law Department of Transylvania University; a bill to provide for the sale and location of Seminary lands.

Which were received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The house proceeded to consider the amendments proposed by the Senate, to a bill which originated in this house, entitled, an act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river.

Resolved, That this house disagree to the amendments proposed by the Senate.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing the passage of a bill which originated in the Senate, entitled, an act for the benefit of Edward Leach.

And the passage of a bill which originated in this house, entitled, an act for building a bridge across main Licking at Claysville; also, a bill, entitled, an act to authorise an additional subscription on the part of the Commonwealth in the stock of the board of internal improvements, for Franklin county—with amendments to each.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time.

1. An act further to define the powers of the Trustees of the town of Maxville, in Washington county.

2. An act to repeal the law, making it the duty of the Ferry keeper, at the mouth of the Kentucky river, in Gallatin county, to ferry all qualified voters at elections free of charge.

3. An act to legalise certain proceedings of the Fayette County Court.

4. An act to incorporate the Mechanics' Fire Engine and Hose company of Louisville.

5. An act to amend the law regulating the manumission of slaves.

6. An act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the state of Kentucky.

7. An act to provide for repairing the state road, leading from Prestonsburgh, by way of Pikeville, to the Virginia line, and for other purposes.

8. An act declaring the Bayou de Chein, in Hickman county, a navigable stream, from the town of Moscow to Caldwell's mills.

9. An act to establish an election precinct in Shelby county.

10. An act to explain the powers of the several County Courts of this Commonwealth.

11. An act prescribing the duty of Clerks in certain cases.

12. An act amendatory of the several acts, relating to the town of Newport, in Campbell county.

13. An act to appoint an additional justice of the peace in the county of Gallatin, and a constable in Simpson county.

14. An act to amend the law authorising the change of venue in civil cases.

15. An act for the benefit of Isaac Cunningham and Matthew Thompson, the late and present sheriff of Clarke county, and concerning the collection of the revenue tax, and county levies in said county.

16. An act establishing the Louisville Chancery Court.

And thereupon, the rule of the house, constitutional provision, and second reading of said bills (the tenth excepted) having been dispensed with; the first, second, third, fourth, seventh, ninth, thirteenth and fifteenth (the thirteenth being amended,) were severally ordered to be read a third time; the fifth, eleventh, twelfth, fourteenth and sixteenth, were committed to the committee for courts of justice; the sixth to the committee on education; and the eight to the committee of internal improvements.

And thereupon, the rule of the house, constitutional provision, and third reading of the first, second, third, fourth, seventh, ninth, thirteenth and fifteenth bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the thirteenth bill.

A bill from the Senate, entitled, an act for the benefit of the United Baptist Church at Elizabethtown, called Severns Valley.

Was read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second reading of said bill having been dispensed with.

Mr. Riffe then moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Worham and Riffe, were as follows, viz:

YEAS—Messrs. Barbour, Barlow, Brown, Burnett, Calvert, Cheek, Clarke, Coffman, Colyer, Crockett, Crow, Culp, Cunningham, G. Davis, Duff, Hanson, Harrison, Heddleston, Henderson, Hinton, Hutton, Jasper, Johnson of Livingston, Johnson of Scott, McClure, May, Merrifield, J. W. S. Mitchell, R. Mitchell, Montgomery, Morehead, Jas. Morgan, J. S. Morgan, D. Morris, Paris, Parker, Perrin, Riffe, Ryon, Shackelford, Sterett, Stockton, Ward, A. S. White, J. P. White and J. W. Williams—46.

NAYS—Messrs. Allen, Alsop, A. Anderson, Austin, Byers, Cochran, Combs, Conway, Culley, Dillon, Dunlap, English, Gardner, Garnett, Gatewood, Grundy, Haskin, J. L. Helm, T. J. Helm, Knot, McGoodwin, Marshall, Murrell, Nuttall, Phelps, Pope, Sayers, Seaton, Sneed, Stevenson, Stone, Tompkins, Trimble, Vanmetre, Watkins, D. White, T. J. White, Wickliffe, Wigginton and Wortham—40.

Mr. Marshall moved the following resolution, viz:

Resolved, That the public printer be directed to print five thousand list of the acts passed at the present session, with an epitome of the same.

Which being twice read, was concurred in.

A bill from the Senate, entitled, an act providing a more speedy remedy for the recovering the possession of real and leasehold estates sold under execution—was read the first time.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to increase the pay for travelling of the members of the General Assembly—was read the first time.

It was then moved and seconded to lay the said bill on the table, until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wortham and S. Williams, were as follows, viz:

YEAS—Messrs. Allen, L. Anderson, Barlow, Bradley, Brown, Byers, Cochran, Colyer, Combs, Conway, Culley, Cunningham, J. Davis, Dillon, Duff, Dunlap, English, Gardner, Gatewood, Grundy, Hanson, Harrison, Haskin, Heddleston, J. L. Helm, T. J. Helm, Henderson, Jasper, Johnson of Livingston, Jonas, Jones, Knot, McClure, Jas. Morgan, J. S. Morgan, D. Morris, G. Morris, Paris, Parker, Pope, Riffe, Sayers, Shackelford, Sneed, Stockton, Stone, Tompkins, Trimble, A. S. White, D. White, J. P. White, Wickliffe, J. W. Williams, Wilson and Wortham—55.

NAYS—Mr. SPEAKER, Messrs. Alsop, A. Anderson, Austin, Barbour, Burnett, Calvert, Cheek, Clarke, Coffman, Crockett,

Crow, Culp, G. Davis, Garnett, Hunton, Irvine, Johnson of Scott, McGoodwin, Marshall, May, Merrifield, J. W. S. Mitchell, Montgomery, Murrell, Nuttall, Perrin, Phelps, Seaton, Sterett, Stevenson, Underwood, Vanmetre, Ward, T. J. White, Wigginton and S. Williams—37.

And then the House adjourned.

FRIDAY, FEBRUARY 21, 1834.

A message was received from the Senate, announcing the passage of bills which originated in this house of the following titles:

An act to appropriate a sum of money to improve the road from the City of Louisville to the Tennessee State line, in the direction to Knoxville.

An act to establish a road from Owenton to Warsaw, in Gallatin county.

An act for the benefit of Jesse Walker, and others.

An act to incorporate the Georgetown and Rail Road Turnpike Company.

An act to improve the road leading from London to the Tennessee state line.

And a joint resolution directing the Secretary of State to furnish Mann Butler with copies of certain documents—with amendments to each.

And the passage of a bill which originated in the Senate, entitled, an act to amend the act for the benefit of the heirs of Benjamin Beall and Jannetta H. Beall, late of Campbell county, approved December 15, 1823.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Fireman's Insurance Company of Louisville.

An act to establish an election precinct at the Bethlehem meeting house at the forks of Mill creek, in Gallatin county.

An act to authorise the trustees of the town of Frankfort to obtain loans of money.

An act authorising the appointment of clerks in vacation.

An act changing the time of holding the Laurel Circuit Court, and for other purposes.

An act to legalize the proceedings of the county court of Livingston at their February term, 1834.

An act to improve the navigation of Nolin.

An act for the benefit of John Holt, Sr.

An act to declare Rockcastle creek a navigable stream.

An act for the benefit of the Mechanics in the towns of Covington and Newport.

An act for the benefit of Celia E. Seth and Jane Johnson, infants.

An act to repeal an act entitled, an act for the benefit of the Boone Academy, approved, January 2d, 1833.

An act for the benefit of Elizabeth Godley.

An act to allow the county of Mason an additional justice of the peace and for other purposes.

An act to prevent the burning of the woods in certain counties.

An act to repeal the 4th section of an act entitled, an act further to regulate the Wilderness and Turnpike road, approved the 11th January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Marshall from the select committee, to whom was referred a bill to allow the several owners of lands in this Commonwealth, the liberty of paying the tax due thereon, which have been stricken off to the state, for the non-payment of tax by the former owners—reported the same with an amendment.

Which being twice read, was concurred in.

And the said bill as amended ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. G. Davis—1. A bill for the benefit of Jane Bowling.

By Mr. Morehead—2. A bill for the benefit of Nancy Henderson.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate and request their concurrence.

The house proceeded to consider the amendments proposed by the Senate, to bills which originated in this house of the following titles:

1. An act for building a bridge across Main Licking at Claysville.
2. An act to incorporate the Georgetown and Rail Road Turnpike Company.
3. An act to authorise an additional subscription of stock, on the part of the state, in the stock of the Board of Internal Improvements, for Franklin county.
4. An act to improve the road leading from London to the Tennessee state line.

Those to the two former bills were concurred in: and those to the two last disagreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the joint committee appointed on yesterday, made the following report:

The joint committee appointed under the resolution of the 20th inst. in order to inquire into the expediency of further Legislative action at the present session, report, that it becomes their painful duty to announce to the two branches of the Legislature, the death of his Excellency JOHN BREATHITT, Governor of Kentucky, which took place on this day, at 9 o'clock, A. M. and we recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That in common with our fellow-citizens, we deplore the loss which our state has sustained by the death of our Chief Magistrate, and as a testimony of the respect due to his memory and worth, the two Houses of the Legislature, will on to-morrow at 8 o'clock, A. M. attend in procession his funeral.

Resolved, That the members of the Legislature, will wear crape upon the left arm, for three months, as a testimony of their respect and regard, for the public and private character of the deceased, and that it be recommended to all the officers of this State, to do the same.

Resolved, That a joint committee of five from the Senate, and ten from the House of Representatives, be appointed to superintend the funeral arrangements, and the procession of the late Governor, under the first resolution.

And thereupon, the rule of the house having been dispensed with, the said resolutions were taken up, twice read and unanimously adopted.

And Messrs. Wickliffe, Hanson, Johnson (of Scott,) Morehead, Crockett, Seaton, Stockton, Harrison, Johnson (of Livingston) and Parker, were appointed a committee pursuant thereto, on the part of this house.

After a short time, a message was received from the Senate, announcing their concurrence in said resolutions, and the appointment of a committee on their part.

And then the House adjourned.

SATURDAY, FEBRUARY 22, 1834.

A message was received from the Senate, announcing that in consequence of the absence of the Lieutenant Governor administering the Government, they had proceeded to elect a Speaker, and that James Guthrie was elected Speaker of the Senate, for the occasion.

Mr. Wickliffe read and laid on the table, the following joint resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the Senate and five from the House of Representatives, be appointed to wait upon James T. Morehead, Lieutenant Governor, and conduct him to the House of Representatives Hall, for the purpose of having administered to him the oath of office, as Governor of this Commonwealth, in the presence of the two Houses of the Legislature.

Thereupon the rule of the house having been dispensed with, the said resolution was taken up, read and adopted.

And Messrs. Wickliffe, Gatewood, Garnett, Combs and Hanson, were appointed a committee in pursuance thereof.

Ordered, That Mr. Wickliffe carry said resolution to the Senate, and request their concurrence.

A message was received from the Senate, announcing their concurrence in a joint resolution fixing upon a day for the adjournment of the General Assembly—with an amendment.

The said amendment was then taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

A message was received from the Senate, announcing the appointment of a joint committee to wait on the Lieutenant Governor, to conduct him to the Hall of the House of Representatives, in order that the oath of office be administered to him, in pursuance of a resolution of both houses.

The said committee then retired, and after a short time returned with James T. Morehead, Esq. and thereupon the oath of office was administered to him as acting Governor of this Commonwealth.

The amendments proposed by the Senate, to a resolution directing the Secretary of State, to furnish Mann Butler with copies of certain documents.

Were taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to bills which originated in this house of the following titles: an act for the benefit of Jesse Walker, and others; an act to establish a road from Owenton to Warsaw, in Gallatin county.

Were taken up, twice read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to a bill which originated in this house, entitled, an act to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee state line, in a direction to Knoxville.

Were taken up, twice read and disagreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. S. Williams moved and obtained leave to introduce a bill to repeal in part an act, entitled, an act to improve the state road from Liberty in Casey county, to Columbia, in Adair county, and for other purposes—passed during the present session.

Whereupon he introduced a bill of the foregoing title, which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Combs from the select committee, to whom was referred a bill from the Senate, entitled, an act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the State of Kentucky—reported the same with amendments.

And the said bill as amended, was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with,

Resolved, That said bill, as amended, do pass.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in said amendments.

Mr. Hanson from the committee of ways and means, to whom was referred a bill to provide for the collection of the funds set apart for objects of internal improvements—reported the same with amendments.

Which being twice read, were concurred in, with an amendment.

Mr. S. Williams having moved an amendment, Mr. Phelps then moved the previous question. The question was then put—Shall the previous question be now put?

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Williams and Hanson, were as follows, viz:

YEAS—Messrs. Allen, Austin, Barlow, Bradley, Brown, Cal-

vert, Cochran, Combs, Crow, Culley, Cunningham, G. Davis, J. Davis, Duff, Dunlap, Gardner, Garnett, Gatewood, Hanson, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Johnson of Livingston, Johnson of Scott, McClure, McGoodwin, May, J. W. S. Mitchell, Montgomery, Paris, Parker, Perrin, Phelps, Pope, Ryon, Seaton, Sneed, Sterett, Stevenson, Stockton, Stone, Tompkins, Trimble, Underwood, D. White, J. P. White, T. J. White, Wickliffe, J. W. Williams, Wilson and Wortham—53.

NAYS—Messrs. L. Anderson, Burnett, Byers, Cheek, Clarke, Coffman, Colyer, Dillon, Grundy, Harrison, Haskin, Jasper, Jonas, Marshall, R. Mitchell, J. S. Morgan, Shackleford, Ward and S. Williams—19.

The question was then put upon reading the bill a third time, and it was decided in the affirmative.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

The Speaker laid before the house a letter from Henry Wingate, President of the Bank of the Commonwealth, communicating the statement required by a resolution of this house, which was read in the following words:

BANK OF THE COMMONWEALTH, }
February 18, 1834. }

SIR—I have the honor of communicating the enclosed statement, which has been prepared in obedience to a resolution of the House of Representatives of the 11th inst., shewing the number of debtors to the Bank, and the number of safe and doubtful debts, in each county in the State.

With regard to the expenses of the institution, although it may not be expected that they can be curtailed in a corresponding ratio, with the profits, yet it is believed a considerable reduction can be safely made at this time.

This may be done by dispensing with one Clerk, the pay to the Directors, and in the compensation to the Agents, either by reducing their number to three, or in the amount of compensation to those now in office.

Having responded to a resolution of the Senate, of a character nearly similar to that of the House of Representatives, a copy of that report is respectfully enclosed, as a part of this.

I am Sir, very respectfully,

Your obedient servant,

H. WINGATE, *President.*

Hon. R. B. NEW, *Speaker of the House of Representatives.*

In obedience to a resolution of the House of Representatives, passed on the 11th inst., the following statement in answer thereto, is respectfully submitted.

<i>Counties.</i>	<i>Good Debts.</i>	<i>Doubtful Debts.</i>	<i>Bad Debts.</i>	<i>Total number.</i>
Bowlinggreen District,				
Logan,	98	23	109	
Butler,	9	2	32	
Allen,	22	6	14	
Simpson,	25	13	30	
Warren,	100	8	27	518
Falmouth District.				
Pendleton,	33			
Boone,	22	1	4	
Campbell,	39	2	5	
Harrison,	33		17	
Grant,	18	1		
Nicholas,			5	180
Lexington District.				
Fayette,	103	2	7	
Scott,	57		17	186
Flemingsburg District.				
Fleming,	6			
Mason,	6	2	5	
Lewis,				
Bracken,	4		13	
Nicholas,	13		1	50
Mountsterling District.				
Montgomery,	69	2	7	
Bath,	15		10	
Greenup,	15	8	3	
Floyd,	18	7	10	
Perry,				164
Harrodsburg District.				
Mercer,	212	1	18	
Jessamine,	65	5	20	
Garrard,	105	2	5	
Washington,	178	6	8	
Casey,	60		5	690
Greensburg District.				
Green,	75	3	2	
Adair,	28	1	6	
Barren,	33	2	29	
Hart,	11	2		
Cumberland,	24	3	37	
Monroe,	8	1	12	282

<i>Counties.</i>	<i>Good Debts.</i>	<i>Doubtful Debts.</i>	<i>Bad Debts.</i>	<i>Total number.</i>
Winchester District.				
Clarke,	48	7	15	
Bourbon,	22	1	1	
Madison,	23	4	13	
Estill,	8		2	144
Louisville District.				
Jefferson & Oldham,	108	3	3	
Hardin & Meade,	61	5	6	
Bullitt,	32	8	5	
Nelson & Spencer,	71	3	8	313
Somerset District.				
Pulaski,	127	2		
Lincoln,	134	5	7	
Wayne,	64	13	6	
Rockcastle,	54	5	10	
Whitley,	23	2		
Knox,	41	1	1	
Harlan,	6			
Clay & Perry,	23	3	1	
Russell,	1			529
Princeton District.				
Caldwell,	81	1	6	
Christian,	56		8	
Todd,	27	1	2	
Trigg,	10		3	
Hopkins,	17		1	
Livingston,	23	3	2	241
Hartford District.				
Ohio,	76	1		
Henderson,	85	10	1	
Breckinridge,	67		1	
Daviess,	19			
Grayson,	17	5		
Union,	33	3	1	
Muhlenburg,	25	1		345
Principal Bank.				
Franklin,	154	1		
Shelby,	112	6	7	
Spencer,	28		1	
Woodford,	53		4	
Henry,	32	1		
Gallatin,	17		1	
Owen,	38		1	
Anderson,	23		1	483
	3,340	201	576	4,125

The following bills from the Senate, were severally read the first time, and ordered to be read a second time.

An act for the benefit of Edward Leach.

An act to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike road company, and for other purposes.

An act to establish an election precinct in Hart county.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with,

Resolved, That said bills do pass.

Ordered, That the Clerk inform the Senate thereof.

The bill from the Senate, entitled, an act to provide for the re-survey of the town of Prestonsburg—was read the first time, and laid on the table.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Edmund H. Earle.

An act to incorporate the city of Covington.

An act to improve the navigation of Pond river, and for other purposes.

An act for the benefit of James Stephenson.

An act for the benefit of Jesse Walker, and others.

An act to establish a road from Owenton to Warsaw, in Gallatin county.

An act for building a bridge across Main Licking at Claysville.

A resolution directing the Secretary of State to furnish Mann Butler with copies of certain documents.

An act for the benefit of William and Isabella Steele.

An act to improve the navigation of Big Barren river.

An act to amend the law prescribing penalties for obstructing navigation.

An act to alter the time of holding the Meade Circuit Court, and for other purposes.

An act to amend the act incorporating the city of Maysville.

An act for the benefit of Henry Crist.

An act to amend the charter of the city of Lexington.

An act to amend the laws concerning tavern keepers.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

A message was received from the Senate, announcing the passage of bills which originated in the Senate of the following titles:

An act concerning the counties of Hardin and Meade.

An act for the benefit of the heirs of Thomas J. Owens, deceased.

And the passage of a bill which originated in this house, enti-

tled, an act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

The following bills from the Senate were read the first time, and ordered to be read a second time.

An act concerning the counties of Hardin and Meade.

An act for the benefit of Thomas J. Owens, deceased.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills, having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first bill by Messrs. G. Davis and Helm, were as follows, viz:

YEAS—Messrs. Allen, A. Anderson, Austin, Barlow, Bradley, Burnett, Byers, Calvert, Clarke, Coffman, Conway, Culley, Culp, Dillon, English, Gardner, Harrison, Haskin, J. L. Helm, T. J. Helm, Irvine, Johnson of Scott, Jones, Knot, Marshall, May, J. S. Morgan, Perrin, Pope, Seaton, Sterett, Stevenson, Stockton, Stone, Trimble, Ward, J. P. White, J. W. Williams and Wortham—39.

NAYS—MR. SPEAKER, Messrs. Alsop, L. Anderson, Cheek, Colyer, Combs, Crow, Cunningham, G. Davis, J. Davis, Duff, Garnett, Gatewood, Grundy, Hanson, Henderson, Jonas, McClure, McGoodwin, Merrifield, J. W. S. Mitchell, R. Mitchell, Paris, Parker, Phelps, Shackleford, Sneed, Tompkins, D. White, Wickliffe and Wilson—31.

Mr. Johnson (of Scott) moved to take up for immediate consideration, a bill from the Senate, entitled, an act to establish the Bank of Maysville—as amended.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hanson and Johnson (of Scott,) were as follows, viz:

YEAS—Messrs. L. Anderson, Barbour, Byers, Colyer, Combs, Culley, Cunningham, G. Davis, Dillon, Dunlap, Garnett, Gatewood, Harrison, Henderson, Hunton, Irvine, Johnson of Scott, Jonas, Jones, Marshall, J. W. S. Mitchell, J. S. Morgan, D. Morris, G. Morris, Parker, Phelps, Seaton, Shackleford, Sneed, Stevenson, Stockton, Tompkins, Trimble, D. White, T. J. White and Wilson—36.

NAYS—MR. SPEAKER, Messrs. Allen, Alsop, A. Anderson, Austin, Barlow, Bradley, Burnett, Calvert, Cheek, Clarke, Cochran, Coffman, Conway, Crow, J. Davis, Duff, English, Gardner, Grundy, Hanson, Haskin, J. L. Helm, T. J. Helm, Hinton, Jasper, Johnson of Livingston, Knot, McClure, McGoodwin, May, Merrifield, R. Mitchell, Montgomery, Paris, Pope, Sterett, Stone, Underwood, J. P. White, J. W. Williams and Wortham—42.

Mr. Helm from the committee of ways and means, to whom was referred a bill, entitled, an act for the benefit of Thomas B. Megowan, Jailor of Fayette County—reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate, and request their concurrence.

Mr. Combs from the committee of internal improvements, to whom was referred a bill from the Senate, entitled, an act declaring the Bayou de Chien, a navigable stream, from the town of Moscow to Caldwell's mill—reported the same without amendment.

The said bill was then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe from the committee for courts of justice, to whom was referred bills from the Senate of the following titles:

1. An act amendatory of the several acts, relating to the town of Newport, in Campbell county.

2. An act prescribing the duty of Clerks in certain cases.

3. An act to amend the law authorising the change of venue in civil cases.

4. An act to amend the law regulating the manumission of slaves.

Reported the first and second without amendment, and the third and fourth with amendments.

Which being twice read, were concurred in.

The said bills were then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the third and fourth bills.

Mr. Wickliffe from the same committee, to whom was referred a bill from the Senate, entitled, an act establishing the Louisville Chancery Court—reported the same with amendments.

It was then moved and seconded to lay the said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gardner and Wortham, were as follows, viz:

YEAS—Messrs. Allen, Barbour, Barlow, Bradley, Byers, Calvert, Clarke, Colyer, Cunningham, Duff, Gardner, Garnett, J. L. Helm, T. J. Helm, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Jonas, McClure, May, J. W. S. Mitchell, R. Mitchell, Montgomery, J. S. Morgan, Paris, Parker, Pope, Sayers, Shackelford, Sneed, Stevenson, Stone, Tompkins, J. P. White, Wilson and Wortham—38.

NAYS—Messrs. Alsop, L. Anderson, Austin, Brown, Cheek, Coffman, Crow, G. Davis, Grundy, Hanson, Harrison, Haskin, Johnson of Scott, Knot, McGoodwin, Marshall, Perrin, Phelps, Seaton, Sterett, Stockton, Trimble, D. White, Wickliffe, Wigginton and J. W. Williams—26.

Mr. Wickliffe from the same committee, to whom was referred a bill to establish a flour inspection in the city of Louisville—reported the same without amendment.

Ordered, That said bill be laid on the table.

Mr. Helm from the committee of claims, to whom was referred a bill for the appropriation of money—reported the same with sundry amendments.

One of the said amendments was then read as follows, viz:

"To A. M. Wigginton, Assistant Clerk, dollars per week, during the session."

It was then moved and seconded to fill the said blank with "thirty."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wortham and Barlow, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Burnett, Calvert, Crow, Culp, Cunningham, G. Davis, Dillon, Duff, Garnett, Grundy, Hanson, Harrison, Haskin, J. L. Helm, Irvine, Johnson of Livingston, Johnson of Scott, Jonas, Jones, Knot, McGoodwin, Marshall, J. W. S. Mitchell, R. Mitchell, D. Morris, Parker, Phelps, Sayers, Seaton, Stockton, Tompkins, Trimble, Underwood, Ward, D. White, T. J. White and Wickliffe—40.

NAYS—Messrs. Allen, Austin, Barlow, Bradley, Cheek, Clarke, Cochran, Coffman, Culley, J. Davis, Gardner, Gatewood, Henderson, Jasper, McClure, Montgomery, Paris, Perrin, Shackelford, Sneed, Sterett, Stone, J. P. White, J. W. Williams, Wilson and Wortham—26.

The said amendment with the remaining amendments, having been agreed to: The said bill as amended was then ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message from the Lieutenant Governor, acting as Governor, by Mr. Sanders, Secretary of State.

Mr. SPEAKER—The Lieutenant and acting Governor, did on this day, approve and sign enrolled bills which originated in the House of Representatives, of the following titles:

An act to compel sheriffs to return certificates of the election of members of the Senate and House of Representatives.

An act for the benefit of James Storm, and John Cox.

An act for the benefit of Elizabeth Dick.

An act to allow the county of Green two additional constables, and for other purposes.

An act to change the name of Westley Blake.

An act to provide for the improvement of the road from Franklin county, to the Crab Orchard, in Lincoln county.

An act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith Shoals, and the big south fork of said river, up to the Coal Banks, approved February 2nd, 1833.

An act for the benefit of Livingston, Caldwell and Todd counties.

An act to incorporate the Danville, Lancaster and Nicholasville Turnpike road company.

An act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county.

An act allowing an appropriation of land warrants, to assist in the completion of a bridge across the mouth of Straight creek in Harlan county, and for other purposes.

An act to authorise the County Court of Hancock, to sell a part of the public ground in Hawesville, and for other purposes.

An act to authorise the depositions of Judges, to be taken in common law cases.

An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike road.

An act for the benefit of John H. Slaughter.

An act for the benefit of William Shackelford.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to erect an election precinct in Livingston county.

An act to establish and to regulate election precincts in Clarke

county, and to enlarge and regulate the Hardwick's creek precinct in Estill county, and for other purposes.

An act for the benefit of the heirs of Samuel Monson.

An act to regulate the terms of certain Circuit Courts, and for other purposes.

An act to improve and open the road from the Rocky spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

An act to improve the navigation of Muddy river.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to amend in part and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in a direction to Nashville.

An act to improve the navigation of Trade water river.

An act to appropriate four hundred dollars, to aid in improving the state road, leading from Owenborough to Bowlinggreen.

An act to add a part of Bracken county, to the county of Harrison.

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to establish the February chancery term of the Montgomery Circuit Court.

An act to incorporate the Green river Turnpike road company.

An act to enlarge the boundaries of Georgetown, and for other purposes.

An act to improve the navigation of Big Sandy river.

An act authorising the building of an arsenal for the security and preservation of the public arms.

An act to allow one additional justice of the peace to Bullitt county.

An act to incorporate the Shepherdsville and Elizabethtown Turnpike Road Company.

An act to amend an act, entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madisonville to Salem, approved Jan. 22, 1830.

An act to amend and reduce into one the several acts concerning private passways in certain counties.

An act to change the place of voting at Christiansburg, Shelby county.

An act for the benefit of Amelia S. Barnes.

An act for the benefit of William B. Cook.

An act for the benefit of Mary Ann Forrester.

An act for the benefit of James Buchannan.

An act to incorporate the Winchester and Lexington Turnpike company.

An act for the benefit of the sheriff of Muhlenburg county.

An act for the benefit of William M. Brake, and others.

An act for the benefit of Isabella Rowland.

An act for the benefit of the constables of Scott county.

An act to amend the several laws establishing and regulating towns in this Commonwealth.

An act to prevent the sale of growing crops.

An act to establish an election precinct in Garrard county.

An act to allow the county of Mason an additional justice of the peace, and for other purposes.

An act authorising the appointment of clerks in vacation.

An act to prevent the burning of the woods in certain counties.

An act changing the time of holding the Laurel Circuit Court, and for other purposes.

An act to legalize the proceedings of the County Court of Livingston, at their February term, 1834.

An act for the benefit of John Holt.

An act to declare Rockcastle creek, a navigable stream.

An act to repeal the 4th section of an act entitled, an act further to regulate the Wilderness and Turnpike Road, approved the 11th of January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

An act to repeal an act entitled, an act for the benefit of the Boone Academy, approved January 2d, 1833.

An act for the benefit of Elizabeth Godley.

An act for the benefit of Celia E. Seth and Jane Johnson, infants.

An act for the benefit of the mechanics of the towns of Covington and Newport.

An act to improve the navigation of Nolin.

An act to authorise the Trustees of the town of Frankfort to obtain loans of money.

An act to establish an election precinct at the Bethlehem meetinghouse, at the forks of Mill creek, in Gallatin county.

An act to incorporate the Firemans' Insurance Company of Louisville.

And then he withdrew.

Ordered, That the Clerk inform the Senate thereof.

Mr. Marshall from the committee on education, to whom was referred a bill from the Senate, entitled, an act for the benefit of Spencer and Laurel county Seminaries—reported the same without amendment.

And the same was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof, be as aforesaid.

The yeas and nays being required thereon by Messrs. Calvert and Cochran, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Brown, Byers, Cheek, Cochran, Colyer, Crow, Cunningham, G. Davis, Dillon, Duff, Hanson, Haskin, J. L. Helm, T. J. Helm, Johnson of Scott, McClure, Marshall, J. W. S. Mitchell, R. Mitchell, J. S. Morgan, Parker, Phelps, Pope, Seaton, Shackelford, Stockton, Tompkins, D. White, Wickliffe, Wilson and Wortham—33.

NAYS—Messrs. Allen, Austin, Barlow, Bradley, Calvert, Clarke, Coffman, Cruse, Gardner, Grundy, Harrison, Henderson, Hinton, Irvine, Jasper, Knot, Montgomery, Perrin, Sneed, Stevenson, Stone, Trimble, Ward and J. P. White—24.

Ordered, That the Clerk inform the Senate thereof.

Mr. Barlow from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act to repeal the law, making it the duty of the Ferry keepers, at the mouth of the Kentucky river, in Gallatin county, to ferry all qualified voters at elections free of charge.

An act for the benefit of Isaac Cunningham and Matthew Thompson, the late and present sheriff of Clarke county, and concerning the collection of the revenue tax, and county levies in said county.

An act to establish an election precinct in Shelby county.

An act to legalize certain proceedings of the Fayette county court.

An act to incorporate the Mechanics' Fire Engine and Hose Company of Louisville.

An act to amend an act, entitled, an act to incorporate the Trustees of the Augusta College, approved, December 7, 1822.

An act to provide for repairing the state road leading from Presburg, by way of Pikeville, to the Virginia line—and for other purposes.

An act to amend the law concerning executions.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Barlow inform the Senate thereof.

Mr. Hanson from the committee of ways and means, to whom was referred a bill giving additional powers to the President and Directors of the Bank of Kentucky for the purpose of closing the concerns of said Bank—reported the same with amendments.

And then the House adjourned.

MONDAY, FEBRUARY 24, 1834.

A message was received from the Senate, announcing that the Senate recede from their amendments proposed to bills from this house of the following titles:

An act to appropriate a sum of money to improve the road from the City of Louisville to the Tennessee State line, in the direction to Knoxville.

An act for the benefit of the clerk of the Calloway county court.

The passage of bills which originated in this house, of the following titles:

An act to establish the town of Portland, and for other purposes.

An act concerning free persons of color in this Commonwealth.

An act to provide for the appointment of commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2d, 1833—with amendments to each.

Their concurrence in a resolution from this house, directing the burning of Commonwealth paper quarterly.

Their concurrence in the amendment proposed to a bill from the Senate, entitled, an act to incorporate the Theological Seminary of the Protestant Episcopal Church in the state of Kentucky

And the passage of bills of the following titles:

An act authorising the clerk of the county court of Logan, to record certain deeds.

An act to authorise the insertion of orders in the Kentucky Register.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. D. White—1. A bill for the benefit of Knox county.

By Mr. Wickliffe—2. A bill for the benefit of the heirs of William P. Gibbs and Richard Jones.

By Mr. L. Anderson—3. A bill for the benefit of Jeffersontown, in Jefferson county, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk carry the said bills to the Senate, and request their concurrence.

Mr. Combs from the committee of internal improvements, to whom was referred,

1. A bill from the Senate, entitled, an act to improve the South Fork of the Kentucky river from its junction with the North Fork to Goose Creek salt works.

2. An act providing for the erection of a bridge across the Beech Fork, in Washington county.

3. An act to repeal the law authorising the people of Rockcastle, Knox, Harlan and Laurel Counties, to pass the Turnpike and Wilderness road without paying toll.

Reported the first and second bills without amendment, and the latter with an amendment.

Which being twice read, was concurred in.

The said bills were then ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills, having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof, and request their concurrence in the amendments proposed to the last bill.

Mr. Cochran from the select committee, to whom was referred a bill further to regulate owners and occupiers of water grist mills in this Commonwealth—reported the same without amendment.

The question was then taken on engrossing the said bill, and reading it a third time, which was decided in the negative, and so the said bill was rejected.

Mr. Wickliffe from the select committee, to whom was referred a bill to provide for paying grand jurors in this Commonwealth—reported the same without amendment.

The said bill was then ordered to be engrossed and read a third time.

The amendments proposed to a bill granting additional powers to the President and Directors of the Bank of Kentucky, for the purpose of closing the concerns of said Bank—were taken up and agreed to.

And the said bill as amended ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing that the Senate insist on their first, and recede from their second amendment, proposed to a bill from this house, entitled, an act to authorise an additional subscription on the part of the state, in the stock of the board of internal improvements for Franklin county.

The house then proceeded to reconsider the said amendments.

Resolved, That the Senate recede from their disagreement to the first amendment of the Senate.

Ordered, That the Clerk inform the Senate thereof.

A bill from the Senate, entitled, an act to explain the powers of the several county courts in this Commonwealth.

Was read a second time and laid on the table.

The following bills from the Senate, were severally read the first time, and ordered to be read a second time, viz:

1. An act to authorise the insertion of orders in the Kentucky Register.

2. An act authorising the Clerk of the County of Logan to record certain deeds.

3. An act allowing additional constables to the counties of Shelby and Pulaski.

4. An act to amend an act for the benefit of the heirs of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved December 15, 1823.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, to bills which originated in this house of the following titles, were twice read and concurred in.

An act to establish the town of Portland, and for other purposes.

An act to provide for the appointment of commissioners for the counties of Butler and Muhlenburgh, in addition to those appointed for the improvement of Green river, by an act, approved February 2, 1833.

An act concerning free persons of color in this Commonwealth.

An act to regulate the tolls on the Sandy road.

Ordered, That the Clerk inform the Senate thereof.

Mr. Seaton from the joint committee appointed to examine the Treasurer's Office, made the following report:

The joint committee of the Senate and House of Representatives, have discharged the duties to them assigned, of examining the Treasurer's Office. They have examined each voucher, with its entry, up to the 10th day of October, 1833, and having found them all correctly entered, they caused the vouchers for the payment of money to be destroyed.

The statement heretofore reported by the Treasurer, exhibits

the true situation of the Treasury. All of which is respectfully submitted.

R. H. CHINN,	} Committee of the Senate.
H. P. MURRELI,	
STILLWELL HEADY,	
PRICE NUTTALL,	} Committee of the House of Representatives.
SAMUEL SEATON,	
JOB STEVENSON,	
A. JONAS,	
E. CROW,	
THOS. J. HELM,	

The amendment proposed by the select committee to a bill to incorporate the Frankfort and Georgetown Turnpike road company—was read and concurred in.

And the said bill ordered to be engrossed and read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bill, having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Wortham and Stevenson, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Burnett, Byers, Cochran, Colyer, Combs, Culley, Culp, Cunningham, G. Davis, Hanson, Harrison, Haskin, J. L. Helm, Hinton, Johnson of Scott, Jonas, Jones, Knot, Marshall, May, Merrifield, J. W. S. Mitchell, Parker, Phelps, Pope, Seaton, Sneed, Sterett, Stevenson, Tompkins, Trimble, Underwood, Ward, D. White, Wigginton and S. Williams—39.

NAYS—Messrs. Allen, A. Anderson, Austin, Bradley, Calvert, Clarke, Coffman, Conway, Crow, Cruse, Dillon, Duff, English, Gardner, Gatewood, Grundy, T. J. Helm, Henderson, Jasper, Johnson of Livingston, McClure, McGoodwin, R. Mitchell, Montgomery, Perrin, Shackelford, Stone, J. P. White, J. W. Williams and Wortham—30.

Ordered, That the Clerk carry the said bill to the Senate and request their concurrence.

A message was received from the Senate, announcing the passage of a bill which originated in this house, entitled an act for the appropriation of money—with amendments.

The said amendments were then taken up, read and concurred in with amendments.

Ordered, That the Clerk inform the Senate thereof.

After a short time, a message was received from the Senate, announcing their concurrence in the said amendments.

An engrossed bill entitled, an act adding a small part of Harrison county, to the county of Grant—was read a third time.

And the question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Perrin and Jonas, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Austin, Barbour, Byers, Cheek, Cochran, Colyer, Combs, Cunningham, Duff, Gardner, Gatewood, Hanson, Harrison, J. L. Helm, T. J. Helm, Jonas, Jones, May, Merrifield, J. W. S. Mitchell, Parker, Phelps, Sayers, Seaton, Shackleford, Sneed, Tompkins, Wigginton, J. W. Williams, Wilson and Wortham—33.

NAYS—Messrs. Allen, A. Anderson, Bradley, Burnett, Calvert, Clarke, Coffman, Conway, Crow, Cruse, Culley, Culp, G. Davis, Dillon, English, Garnett, Grundy, Haskin, Henderson, Hinton, Irvine, Jasper, Johnson of Livingston, Johnson of Scott, Knot, McClure, McGoodwin, Marshall, Montgomery, Perrin, Sterett, Stevenson, Stone, Trimble, Underwood, Ward, J. P. White and S. Williams—38.

A bill for the benefit of Joseph Dawson—was read a second time, and ordered to be engrossed and read a third time.

It was then moved and seconded to dispense with the rule of the house, and constitutional provision, and third reading of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hanson and Phelps, were as follows, viz:

YEAS—Messrs. Alsop, L. Anderson, Barbour, Byers, Calvert, Coffman, Culp, Dillon, Duff, English, Gardner, Garnett, Harrison, Haskin, Henderson, Irvine, Johnson of Scott, Jonas, Knot, Marshall, J. W. S. Mitchell, Montgomery, Perrin, Phelps, Sayers, Seaton, Stevenson, Stone, Tompkins, Trimble, Underwood, Ward, D. White, Wigginton and Wortham—35.

NAYS—Mr. SPEAKER, Messrs. Allen, A. Anderson, Austin, Bradley, Burnett, Cheek, Clarke, Cochran, Colyer, Combs, Conway, Crow, Culley, Cunningham, G. Davis, Gatewood, Grundy, Hanson, J. L. Helm, T. J. Helm, Hinton, Jasper, Jones, McGoodwin, R. Mitchell, Parker, Pope, Shackleford, Sneed, Sterett, J. P. White, J. W. Williams and S. Williams—34.

A bill from the Senate, entitled, an act to increase the pay for travelling of the members of the General Assembly—was ordered to be read a third time.

And thereupon, the rule of the house, constitutional provision, and third reading of said bills having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon by Messrs. Shackelford and Marshall, were as follows, viz:

YEAS—Messrs. Alsop, Austin, Barbour, Burnett, Calvert, Clarke, Cochran, Coffman, Combs, Crow, Culley, Culp, Cunningham, G. Davis, Garnett, Hanson, Harrison, Haskin, J. L. Helm, Hinton, Irvine, Johnson of Livingston, Johnson of Scott, McGoodwin, Marshall, Merrifield, Phelps, Pope, Seaton, Sneed, Sterett, Trimble, Underwood, Wigginton and Wortham—35.

NAYS—Messrs. Allen, Bradley, Byers, Colyer, Dillon, Duff, English, Gatewood, Grundy, T. J. Helm, Jonas, Jones, Knot, McClure, R. Mitchell, Montgomery, G. Morris, Parker, Shackelford, Stone, Tompkins, D. White, Wickliffe, J. W. Williams and Wilson—25.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wickliffe (in the absence of the Speaker) moved the following resolution, which was twice read and unanimously adopted, viz:

Resolved, That RICHARD B. NEW for his impartial and dignified discharge of the duties of presiding officer of this House, during the present session, merits and receives the approbation of the members thereof.

A message was received from the Senate, announcing their disagreement to bills which originated in this house of the following titles:

An act for the benefit of Matthias Davis.

An act to change the time of the annual meeting of the General Assembly of the Commonwealth of Kentucky.

And the passage of bills which originated in this house of the following titles:

An act for the benefit of the widow and heirs of Richard Hall, deceased.

An act to establish an additional election precinct in Henderson county.

An act for the benefit of John Fletcher.

An act to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved, December 31, 1832.

An act to repeal in part, an act entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act for the benefit of the heirs of William P. Gibbs and Richard Jones.

An act regulating the mode of settling the accounts of executors, administrators and guardians—with amendments to the latter bill.

That the Senate recede from their amendments proposed to bills which originated in this house of the following titles:

An act to improve the road leading from London to the Tennessee state line.

An act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river.

And their concurrence in the amendments proposed by this house to a bill from the Senate, entitled, an act to appoint an additional justice of the peace in the county of Gallatin, and a constable in Simpson county—with amendments.

And the passage of a bill for the benefit of the heirs and legal representatives of Samuel J. Beall, deceased.

The latter bill was then taken up, and read the first time, and ordered to be read a second time.

And thereupon, the rule of the house, constitutional provision, and second and third reading of said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate to a bill which originated in this house of the following title, was twice read and concurred in.

An act regulating the mode of settling the accounts of executors, administrators and guardians.

Ordered, That the Clerk inform the Senate thereof.

The amendments proposed by the Senate, upon concurring in those proposed by this house to a bill from the Senate, entitled, an act to appoint an additional justice of the peace in the county of Gallatin, and a constable in Simpson county.

Were twice read, and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Shackelford moved the following resolution, viz:

Resolved, That the Sergeant at Arms be instructed to sell the settees and tables belonging to the Capitol, not in use, and deposit the proceeds in the Treasury.

Which being twice read, was concurred in.

Mr. Pope from the joint committee of enrolments, reported that the committee had examined enrolled bills of the following titles, and had found the same truly enrolled, viz:

An act authorising the clerk of the county court of Logan, to record certain deeds.

An act to amend an act for the benefit of the heirs of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved December 15, 1823.

An act to authorise the insertion of orders in the Kentucky Register.

An act allowing additional constables to Shelby and Pulaski counties.

An act to establish an election precinct in Hart county.

An act for the benefit of Edward Leach.

An act to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike road Company, and for other purposes.

An act for the benefit of the heirs of Thomas J. Owens, deceased.

An act providing for the erection of a bridge across the Beech fork, in Washington county.

An act to improve the south fork of the Kentucky river, from its junction with the north fork, to Goose creek salt works.

An act to incorporate the Theological Seminary of the Protestant Episcopal Church, in the state of Kentucky.

An act for the benefit of Spencer and Laurel county Seminaries.

An act repealing the law authorising the people of Rockcastle, Knox, Harlan and Laurel counties, to pass the Turnpike and Wilderness road, without paying toll.

An act concerning the counties of Hardin and Meade.

An act amendatory to the several acts relating to the town of Newport in Campbell county.

An act declaring the Bayou de Chien, in Hickman county, a navigable stream from the town of Moscow to Caldwell's mill.

An act to increase the pay for travelling of the members of the general assembly.

An act to appropriate a sum of money to improve the road from the city of Louisville to the Tennessee state line, in a direction to Knoxville.

An act for the benefit of the clerk of the Calloway county court.

An act concerning free persons of color in this Commonwealth.

An act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

An act to incorporate the Georgetown and Rail Road Turnpike Company.

An act to provide for the appointment of commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2d, 1833.

An act to authorise an additional subscription of stock, on the part of the Commonwealth, in the stock of the Board of Internal Improvements, for Franklin county.

An act to regulate tolls on the Sandy road.

An act to establish the town of Portland, and for other purposes.

An act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river.

An act to repeal in part, an act entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act for the benefit of John Fletcher.

An act for the benefit of the heirs of William P. Gibbs and Richard Jones.

An act to establish an additional election precinct in the county of Henderson.

An act to improve the state road from London to the Tennessee state line.

An act for the benefit of the widow and heirs of Richard Hall, deceased.

An act to appropriate money.

An act to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved, December 31, 1832.

An act regulating the mode of settling the accounts of executors, administrators and guardians.

An act to appoint an additional justice of the peace in the county of Gallatin, and constable in Simpson county.

An act for the benefit of the heirs and legal representatives of Samuel J. Beall, deceased.

And a resolution directing the burning of Commonwealth's paper.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Pope inform the Senate thereof.

A message was received from the Senate, announcing that the Senate had received official information that the Lieutenant and acting Governor, had approved and signed enrolled bills which originated in the Senate of the following titles:

An act to incorporate the Dock company at Smithland.

An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved December 25, 1820.

An act providing for the sale of the lands of James Tutt, deceased.

An act for the benefit of William Fisher.

An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at the June term, 1834, of the General Court.

An act for the benefit of the heirs of James Y. Kelly, deceased.

An act to legalize the proceedings of the Casey county court.

An act concerning the county court of Fleming county, and to change the time of holding the Clay circuit court.

An act to establish an election precinct in the county of Cumberland.

An act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

An act for the benefit of Charles C. Moore, and Levi Van Camp.

An act to incorporate the Walnut Hill Seminary, in Warren county.

An act concerning the town of Alexandria in Campbell county.

An act appropriating some of the vacant lands in certain counties for the improvement of their roads.

An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable, and for other purposes.

An act to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky.

An act for the benefit of the wife and children of Thomas Q. Roberts.

An act to establish the Bank of Kentucky.

An act to authorise the county courts of certain counties to increase the allowance to patrols of said counties.

An act for the benefit of the Lexington and Ohio Rail Road Company.

An act providing for the sale of real estate in certain cases.

An act for the benefit of Harriet Johnson.

An act to amend the charter of the city of Louisville.

An act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

An act to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

An act for the benefit of the Sheriff of Barren county.

An act to provide for the payment of private property, taken for public purposes.

An act for the benefit of the devisees and heirs of Adam Link, deceased.

An act authorising the erection of a bridge across Main Licking river, at or near its junction with the Ohio river.

An act to improve the road from Carlisle, Flemingsburg, &c. to the mouth of Big Sandy river.

An act to provide for the payment of subscriptions and appropriations to objects of internal improvement.

An act to turnpike the state road from Lexington to Nashville, where it passes over Muldrow's Hill.

An act for the benefit of William Samuels, late sheriff of Nelson county, and for other purposes.

An act to amend the act to incorporate the Rolling Fork Bridge Company, approved, December 2, 1831, and to authorise the construction of a bridge across Big Barren river.

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county.

An act supplementary to an act, entitled, an act to establish the county of Marion.

An act changing the time of holding the Logan county court.

An act to alter the time of holding the Meade circuit court, and for other purposes.

An act to improve the navigation of Big Barren and Blood rivers.

An act for the benefit of Isabella and William Steele.

An act to amend the law prescribing penalties for obstructing navigation.

And that the Senate had received official information that the acting Governor had approved and signed all the bills which originated in the Senate, and were signed by the Speakers of both houses to-day.

A message from the Lieutenant Governor, acting as Governor, by Mr. Sanders, Secretary of State.

MR. SPEAKER—The Lieutenant and acting Governor, did on this day, approve and sign enrolled bills and resolutions which originated in the House of Representatives, of the following titles:

An act to establish a road from Owenton to Warsaw, in Gallatin county.

An act for building a bridge across Main Licking at Claysville.

An act for the benefit of Jesse Walker, and others.

An act for the benefit of Edward H. Earle and others.

An act to incorporate the city of Covington.

An act for the benefit of James Stephenson.

An act to improve the navigation of Pond river, and for other purposes.

An act to amend the charter of the city of Lexington.

An act for the benefit of Henry Crist.

An act to amend the act incorporating the city of Maysville.

An act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

An act to incorporate the Georgetown and Rail Road Turnpike Company.

An act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river.

An act to provide for the appointment of commissioners for the counties of Butler, Henderson and Muhlenburg, in addition to those appointed for the improvement of Green river by an act, approved February 2, 1833.

An act to establish the town of Portland, and for other purposes.

An act to regulate the tolls on the Sandy road.

An act to authorise an additional subscription on the part of the Commonwealth, in the stock of the board of internal improvement for Franklin county.

An act for the benefit of the clerk of the Calloway county court.

An act concerning free persons of color in this Commonwealth.

A joint resolution directing the Secretary of State to furnish Mann Butler with copies of certain documents.

A resolution directing the burning of Commonwealth's paper, quarterly.

An act to amend the laws concerning tavern keepers.

An act to appropriate a sum of money to improve the road from the City of Louisville to the Tennessee State line, in the direction to Knoxville.

An act to appropriate money.

An act for the benefit of the heirs of William P. Gibbs and Richard Jones.

An act to repeal in part an act, entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act for the benefit of the widow and heirs of Richard Hall, deceased.

An act regulating the mode of settling the accounts of executors, administrators and guardians.

An act to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved December 31, 1832.

An act for the benefit of John Fletcher.

An act to improve the state road leading from London to the Tennessee state line.

An act to establish an additional election precinct in the county of Henderson.

And then he withdrew.

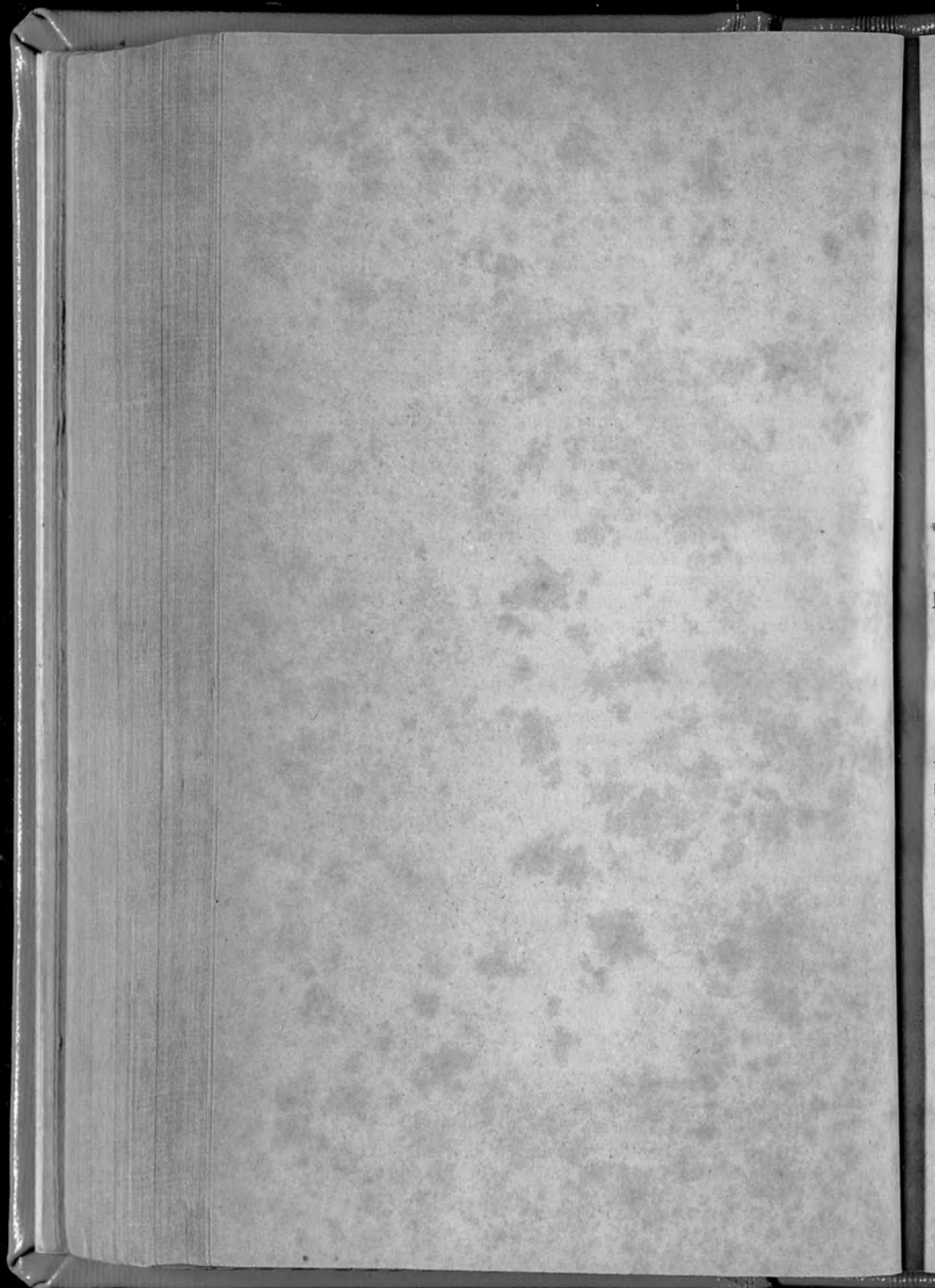
Ordered, That the Clerk inform the Senate thereof.

Ordered, That a message be sent to the Senate informing them that this house having finished their legislative business, are now ready to close the present session by an adjournment on their part without day, but are nevertheless disposed to remain in session until it shall suit the views and convenience of the Senate to adjourn also: that they have appointed a committee on their part to meet such committee as may be appointed on the part of the Senate, to wait on the Lieutenant and acting Governor, and inform him of the intended adjournment of the General Assembly, and know if he has any further communications to make, and that Mr. Wickliffe inform the Senate.

A message was received from the Senate, announcing that having finished their Legislative business, they are now ready to close the present session by an adjournment on their part without day: that they appointed a committee on their part, to meet the committee from this house to wait on the acting Governor, and inform him of the intended adjournment of the General Assembly, and to know if he has any further communications to make.

The said committee then retired and after a short time returned, when Mr. S. Williams from said committee, reported that the committee had discharged the duty assigned them, and were informed by the acting Governor, that he had no further communications to make.

Whereupon the Speaker, having delivered a suitable congratulatory and valedictory address, adjourned the House without day.



APPENDIX
TO THE
JOURNAL OF THE HOUSE OF REPRESENTATIVES.

[A.]

DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

REPORT of the joint committee of the Senate and Assembly of the state of New-York, on so much of the Governor's Message as relates to the communication from the Governor of the state of South Carolina, and the proceedings of the Convention of the People of that state.

[Made to the Legislature, January 29, 1833.]

The right claimed by the State of South Carolina, to make void the laws of the United States within her territory, is so fully set forth in the Ordinance and Documents before the Legislature, and so well understood, that a precise statement, in this report, of its nature and extent, would be superfluous.

The committee have considered the claim, thus set up, with the attention due to the high respectability of the source from which it emanated, and to the very grave consequences that would unavoidably result from its establishment; and they concur with the Governor in regarding it as a pretension, "not merely unauthorised by the Constitution of the United States, but fatally repugnant to all the objects for which it was framed."

The unfounded nature of the authority asserted by South Carolina, has been so clearly demonstrated in the Proclamation of the President of the United States, which has been published by order of the Legislature, and now on its files; and is so fully confirmed by the concurring opinions of the people of every other State in the Union; that it cannot be necessary that the committee should attempt to shed any additional light upon a subject, in respect to which the argument may, with so much truth, be said to be exhausted.

The duty of the President to exercise the authority vested in him by the Constitution and laws of the United States; to enforce the latter in the State of South Carolina, notwithstanding the unjustifiable attempt on the part of that State to arrest the due execution thereof, is obvious and imperative. And the committee are well satisfied that they represent truly the opinions of the Government and People of the State of New-York, when they reciprocate the assurance given by the Governor, that in the performance of that great and responsible duty, by the exercise of necessary and proper means, the President may count on their support and co-operation.

With this brief statement of the principal matter referred to them, the committee would prefer to leave the subject. Considered only with reference to the present aspect of the affair, it might not be strictly necessary to say more; and they deprecate too sincerely the asperities which usually grow out of diversities of opinion upon doctrinal points, not to be anxious to avoid them as far as it can properly be done. The more especially are they impressed with the propriety of such a course, in reference to the present posture of our public affairs, when the hearts and minds of our citizens should be exclusively directed to the measures best calculated to preserve the happy union of these States in the spirit of affection and brotherly love in which it was established. The committee, however, are too well advised of the desire of the Legislature that their opinion should be distinctly expressed upon some points of deep interest, growing out of the assumptions of right contained in the Ordinance of South Carolina, and the commentary of the President thereon in his recent Proclamation and Message, to feel themselves at liberty to exercise a discretion upon the subject.

In the performance of the duty assigned them, they will submit the dictates of their best judgment, in that spirit of liberality and forbearance which, under any circumstances, it would give them pleasure to cherish, but which, under those that now exist, they consider it a sacred duty to observe.

They believe that this duty cannot be better discharged than by a frank and explicit avowal of the principles which, in their opinion, ought to be applied to the construction of the Constitution of the United States, and to control in that respect the administration of the government established by it. They regard it the more important to do so, from the attempts which have been made to bring into discredit political principles which the people of this State have so long and so ardently cherished; and upon the maintenance of which, in all their purity, the committee firmly believe the safety of our institutions, and the future welfare of the country, mainly depend. The re-assertion of those principles at a period like the present, when there is reason to fear that they may suffer from

misapprehension or misrepresentation, is, in the opinion of the committee, a matter of a paramount obligation.

There is no reasonable ground to doubt, that the great body of the American people are fervently attached to the union of the States, and sincerely desirous that the partition and limitations of power intended to be established by the Federal Constitution, and the republican principle on which it rests, should be preserved inviolate. They have, however, greatly differed as to the most effectual and least exceptionable means, of effecting those objects; and as to the true source of the dangers to which our political system was exposed.

These differences arose in the Convention which framed the Constitution; attended every step of its formation and establishment, and have never ceased to exist. Consolidation on the one hand, tending to monarchy in the head, and on the other, anarchy, consequent upon the insubordination and resistance of the members, were the evils anticipated at its formation, and have ever since been dreaded by the respective parties.

A portion of the people believed, that unless great vigor was imparted to the Federal arm, it would not be able to sustain itself against the power and influence of the States, and effect the great objects which all desired to accomplish, through the agency of the Federal Government. Others supposed, that the natural tendency of the new system would be towards consolidation; and that unless the powers delegated to the government, thus created, were granted with a sparing hand, scrupulously and vigilantly guarded, and the remaining powers and sovereignty of the States amply protected, there would be reason to apprehend that the revolution of 1776 would be shorn of its honors and its benefits; and the consequence ultimately would be, a return to that form of government which had been thrown off at so much cost. No candid and intelligent observer can have failed to witness the enduring effects of these early differences, nor be ignorant of the unceasing influence they have exercised on public affairs. On every recurrence to the conflicting principles by which they were generated, we have seen on the one side, a strong inclination to yield, readily, to that construction, and to that course of measures, which might best serve to strengthen the Federal Government, and extend the sphere of its action; a disposition which at all times, but with various success, has been resisted by those, who entertain different views, as to the best means of securing the efficacy and harmony, and of preserving the equilibrium, and constant stability, of the entire system. It is not the intention of the committee to enter into a particular consideration of the reasons, by which these conflicting opinions are respectively sustained; nor to advert to them, farther than is necessary to the distinct and intelligible explanation of their own views, upon the subject referred to them.

The committee are advocates for the reserved rights of the States, and a strict construction of the Constitution of the United States. Experience has, they think, fully demonstrated the wisdom of the determination of the Convention to commit to the Federal Government, the management of such concerns only, as appertain to the relations of the States with each other, and with foreign nations, and certain other matters particularly enumerated in the Constitution: leaving the great mass of the business of the people, relating as it does mainly, to their domestic concerns, to the legislation of the States. They were wisely regarded as the safest depositories of the latter powers. This course was moreover due to the reserved sovereignty of the States, and required by an enlightened estimate of the dangers to the harmony of National Legislation, inseparable from the great diversity in the interests and conditions of the different States. A sincere adherence to this partition of legislation amongst the respective governments, and an honest and inflexible observance of the specifications and restrictions by which it was defined, in the sense designed by the Convention, and as understood by the people in the adoption of the Constitution, are in the best judgment of the committee, indispensably necessary to its preservation.

Time, and the course of events, have solved the great problem that divided the Convention. It is now apparent that the tendency of the system is to encroachments by the Federal Government upon the reserved rights of the States, rather than to an unwillingness on the part of the States to submit to a full exercise of the powers which were intended to be delegated to the General Government. So manifest has this tendency been rendered to the people of the U. States, that at several interesting eras in our history, they have been induced by the excesses to which it led, to rise in their strength and drive from power, the agents employed in giving it effect. Such was their course in the memorable civil revolution of 1800: and the same sovereign remedy, upon the same impulse, and, it is hoped, with similar effect, was applied by the people in 1828. Whilst these scenes have passed before our eyes, and stand forth upon the page of our history, for our edification and security, not an instance has occurred in which the resistance of a single State, to the measures of the Federal Government, has excited sufficient sympathy or countenance from her sister States, to afford cause for a well grounded apprehension of detriment to the Union, by improper combination amongst its members. Even at this critical emergency in our public affairs, when so much discredit is apprehended to the sacred cause of State rights from the excesses of South Carolina, the confidence of the committee in the correctness of that cause is strengthened by the exemplary conduct of her sister States. When we witness the fervent zeal that pervades them all, and see so many who have the same cause of complaint as South Carolina, and who

are equally solicitous for a redress of their grievances, rising superior to local interests, exhibiting to the world the most sublime spectacle of devoted patriotism, and throwing their great moral and physical weight into the scale of the Union, who can doubt that now, as in the late war, the federal arm, in the hour of its greatest peril, will be upheld by the State authorities? The committee are cheered by this animating indication of fidelity, not merely because they see in it the unequivocal evidence of the safety of that Union which they so highly cherish, but on account of the favourable influence which the complete establishment of the principles to which they have avowed their attachment, is calculated to exercise on the future administration of this government. In "the support of the State governments in all their rights as the most competent administrators of our domestic concerns and the surest bulwarks against anti-republican tendencies: and the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad," the committee recognise the highest duties of every public functionary; and in the encouragement derived from the approving voice of a virtuous and grateful people, the best security for their faithful performance.

Of the deeply interesting questions arising upon the Ordinance and other documents referred to the committee, there is none of more immediate importance, than the claim which is advanced, that a single State has a right to withdraw herself, against the wishes of her co-States, from the Union, whenever, in her sole judgment, the acts of Federal Government shall be such as to justify the step.

The committee cannot approve this doctrine. Anxious as they are to sustain the sovereignty of the States in its full force, they do not feel it to be less their duty to "preserve," in the language of Mr. Jefferson, "the General Government, in its whole constitutional vigor." There is no conflict of duty between these sentiments; so far from it, that, in the opinion of the committee, no man can be a good citizen, who is disloyal to either. No apprehension too alarming, can be entertained as to the injurious consequences which may result from the principle attempted to be established. The committee have witnessed with deep regret, that an impression has gone abroad, that the assertion of this right was embraced in the proceedings of the Legislatures of Virginia and Kentucky, in 1798 and 1799. Whatever authority there may be for the right of secession, it certainly cannot, in the opinion of the committee, claim any from these proceedings. They took place at a very dark and portentous period in our history; when the encroachments of the Federal Government, and the general temper of the times had filled the hearts of many of our firmest patriots with alarm.

The respect of the people of this State, for those emanations of lofty and devoted patriotism, is at this day as great, and their devotion to principles they inculcated, as sincere as it was in 1800. And the committee cannot, as they conceive, render a more acceptable service to the Republic, than by separating them from a doctrine which, however sincerely it may be entertained by others, is rejected by our citizens, with a degree of unanimity, heretofore unknown to political controversy. A very brief exposition of the nature and history of those proceedings, is all that is essential for that purpose. The portions of the Virginia Resolutions, upon the alien and sedition laws, (and there is not, in this respect, sufficient difference between them and those of Kentucky, to make the separate examination of each necessary) from which a deduction is attempted to be made, are the following words:

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the Instrument constituting that Compact; as no farther valid than they are authorised by the grants enumerated in that Compact; and that, in case a deliberate, palpable and dangerous exercise of other powers, not granted by the said Compact, the States who are parties thereto, have a right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them."

"That the good people of this Commonwealth, having ever felt, and continuing to feel, the most sincere affection for their brethren of other States: the truest anxiety for establishing and perpetuating the union of all; and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional; and, that the necessary and proper measures will be taken by each, for co-operating with this State in maintaining unimpaired, the authorities, rights, and liberties reserved in the States respectively, or to the people."

These resolutions were met by several of the State Legislatures to whom they had been communicated, by counter resolutions, protesting against them with much warmth, chiefly on the ground that the act of a State Legislature, declaring a law of the United States unconstitutional was, in itself, an unconstitutional assumption of authority, and an unwarrantable interference with the exclusive jurisdiction of the Supreme Court of the United States: accompanied, in some instances, with severe denunciations against their disorganizing tendency.

The resolutions of the protesting States were, at a succeeding session of the Virginia Legislature, referred to and reported upon, at large, by a committee of that body. Their report was written by Mr. MADISON, and led to a re-affirmance, by Virginia, of the unconstitutionality of the alien and sedition laws, and a re-assertion of the doctrines of the original resolutions. This masterly exposition of the true principles of the Constitution, and of the abuses which had been practised under it, contributed more than any event, to that radical change in the public sentiment of the country, which was consummated by the election of Mr. JEFFERSON, and has, from that day to the present, been justly regarded as the genuine text book of political orthodoxy. The committee do, unhesitatingly, and with great satisfaction, embrace this occasion to avow their decided approbation of its doctrines; and they feel, that they would be wanting in gratitude and duty, if they were not to express their conviction of the benefits which have been derived from their influence: of the extent to which, in their opinion, the future operations of our political institutions are dependent upon the continued respect and confidence of the people in them: as well as their unfeigned admiration of the unsurpassed disinterestedness and inflexible fidelity, with which those doctrines have, through evil, and through good report, been sustained by that truly patriotic member of the confederacy.

That the judicial department of the Federal Government, was the exclusive expositor of the Constitution, in cases submitted to its judgment, in the last resort, was freely admitted. But, it was contended by that committee,—“*First*, that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the judicial department: *Secondly*, that if the decision of the judiciary be raised above the authorities of the sovereign parties to the Constitution, the decisions of the other departments not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decisions of that department. That the resolutions of the General Assembly related to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. That the resort to the judiciary must necessarily be deemed the last, in relation to the authorities of the other departments of the Government: not in relation to the rights of the parties to the constitutional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority of the power delegating it; and the concurrence of this department with others in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very Constitution which all were instituted to preserve.” That “a declaration that pro-

ceedings of the Federal Government are not warranted by the Constitution, was a novelty neither among the citizens nor the Legislatures of the states"—"nor could the declarations of either, whether affirming or denying the constitutionality of the measures of the Federal Government; or whether made before or after judicial decisions thereon, be deemed in any point of view an assumption of the office of a judge. The declarations in such cases are expressions of opinion, unaccompanied with other effect than what they may produce on opinion by exciting reflection. The expositions of the judiciary, on the other hand, are carried into immediate effect by force. The former may lead to a change in the legislative expression of the general will: possibly to a change in the opinion of the judiciary." Hence it was urged that there was no impropriety in the declaration by the Legislature that the alien and sedition laws were unconstitutional: nor was there any valid objection to the communication of that resolution to her sister States; nor in the invitation which was given to them to concur therein; nor in asking for the adoption of "necessary and proper measures by each, for co-operating with her in maintaining unimpaired the authorities, rights, and liberties reserved in the States respectively, or to the people."

But what were those measures which the Legislature of Virginia deemed "necessary and proper" to meet the exigency in the affairs of the country so truly alarming as that which then existed, and to which their proceedings had reference? Was it to oppose, by State authority, the regular administration of justice in any case in law or equity committed by the Constitution to the Federal Judiciary? Did they relate to resistance by a member of the confederacy, to the execution of the laws of the United States, passed in conformity to the provisions of the Constitution; or embrace the revocation by a State of the powers which had, with so much solemnity, and under such high penalties, been granted by the people of the respective States to the Federal Government? Far, very far from it. Anticipations of this character were entertained when those resolutions were under discussion in the Virginia Legislature, and they were consequently denounced as the harbinger of civil commotion. These denunciations were met and refuted by the advocates of the resolutions, not only after they had been submitted to the other States, but when they were first submitted to the Legislature of that State. They were introduced by John Taylor, of Caroline.

In reply to these predictions he said, "Suppose a clashing of opinion should exist between Congress and the States, respecting the true limits of the constitutional territories, it was easy to see that if the right of decision had been vested in either party, that party deciding in the spirit and interest of party, would inevitably have swallowed up the other. The Constitution must not only

have foreseen the possibility of such a clashing, but also the consequence of a preference on either side as to its construction; and out of this foresight must have arisen the fifth article, by which two-thirds of Congress may call upon the States for an explanation of any such controversy as the present, by way of amendment to the Constitution, and thus correct an erroneous construction of its own acts, by a minority of the States; whilst two-thirds of the States are also allowed to compel Congress to call a convention in case so many should think an amendment necessary, for the purpose of checking the unconstitutional acts of that body. Thus, so far as Congress may have power, it might exert it to check the usurpations of a State, and so far as the States may possess it, an union of two-thirds in one opinion might effectually check the usurpations of Congress. And under this article of the Constitution, the incontrovertible principle before stated might become practically useful, otherwise *no remedy did exist* for the only case which could possibly destroy the Constitution, namely, an encroachment by Congress or the States upon the rights of the other. * * * * Mr. Taylor then proceeded to apply these observations to the threats of war, and the apprehension of civil commotion, towards which the resolutions were said to have a tendency. Are the republicans said he, possessed of fleets and armies? If not, to what could they appeal for defence and support? To nothing except public opinion. *If that should be against them, they must yield.* * * * * How could the fifth article of the Constitution be brought into practical use, even upon the most flagrant usurpations? War or insurrection therefore, could not happen," &c. * * * * "Such, however, he hoped would be the respect to public opinion, that he doubted not but that the two reprobated laws would be sacrificed, to quiet the apprehensions even of a single State, without the necessity of a convention or a mandate from three-fourths of the States, whenever it shall be admitted that the quiet and happiness of the people is the end and design of government.

Similar sentiments were advanced by the other supporters of the resolutions. *Mr. Mercer* said "that force was never thought of by any one. The preservation of the Federal Constitution, the cement of the Union, with its original powers, was the object of the resolutions."

But all pretence for misapprehension or misconstruction upon this head is put at rest by the direct explanations of the Virginia Legislature, in the report which was made and received their sanction in the session of 1793; in which, in relation to the means referred to in the resolutions, and in answer to the objection that they might have been such as conflicted with the order and stability of the Union, they say, "In the example given by the State of declaring the alien and sedition acts to be unconstitutional, and

of communicating the declaration of the other States, no trace of improper means has appeared. And if the other States had concurred in making a like declaration, supported too by the numerous applications flowing immediately from the people, it can scarcely be doubted, that these simple means would have been as sufficient as they are unexceptionable.

"It is no less certain that other means might have been employed which are strictly within the limits of the Constitution. The Legislatures of the States might have made a direct representation to Congress, with a view to obtain a rescinding of the two offensive acts; or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would propose an explanatory amendment to the Constitution; or two-thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a convention for the same object.

"These several means, though not equally eligible in themselves, nor probably to the States, were all constitutionally open for consideration. And if the General Assembly, after declaring the two acts to be unconstitutional, the first and most obvious proceeding on the subject, did not undertake to point out to the other States a choice among the farther measures that might become necessary and proper, the reserve will not be misconstrued by liberal minds into any culpable imputation."

Such was the understanding of the import and the intent of the resolutions by him who introduced them; by those who supported them; by the committee to which they were at a subsequent session referred; and by the Legislature which adopted their exposition.

It is a matter of undoubted historical fact, that the Virginia resolutions were drawn up by Mr. Madison, and those of Kentucky by Mr. Jefferson.

In the dispensation of an all-wise Providence, Mr. Madison's useful and brilliant life has been prolonged to this late period of existence. He has borne his testimony against the justice of any of the inferences which the committee have felt it their duty to repel; and they are unadvised of any act or declaration of Mr. Jefferson, who, in the confidence and affections of his fellow-citizens, was only second to the Father of his Country, which conflicts with the known views of his great coadjutor. The committee are well aware that the advocates of nullification have attempted to sustain that doctrine by expressions contained in an unpromulgated draft of the Kentucky resolutions found among his papers, in which is set forth the right of a State to nullify an act of Congress, passed in respect to a subject upon which its action is expressly inhibited, or upon which it had no authority to legislate at all. A suggestion which, if it were possible to make a paper so circumstanced whenever it may be found, the basis of so solemn an act, is clearly inap-

plicable to the case under consideration, inasmuch as it expressly declares, that for "an abuse of delegated power, (the most that could by possibility be made of the revenue laws) *"the members of the General Government being chosen by the people, a change by the people would be the Constitutional remedy."* But the published writings of that great man are replete with the evidences of his avowed opinions, inconsistent with the supposition that he believed in the right of a single State either to make constitutional resistance to the laws of the United States or to dissolve the Union by withdrawing herself from it, when in her sole judgment, the circumstances were sufficient to justify the act.

In a letter to Mr. Destutt Tracy, in January, 1811, he says, "Dangers of another kind might more reasonably be apprehended from this perfect and distinct organization, civil and military, of the States, to wit: that certain States from local and occasional discontents, might attempt to secede from the Union. This is certainly possible; and would be befriended by this regular organization. But it is not probable that local discontents can spread to such an extent as to be able to *face the sound parts of so extensive a Union*—and if ever they should reach the majority, they would then become the regular government, acquire ascendancy in Congress, and be able to redress their own grievances by laws peaceably and constitutionally passed.

In a letter to Elbridge Gerry, of January, 1812, he uses these significant and emphatic expressions:—"What, then, does this English faction with you mean? Their newspapers say rebellion, and that they will not *remain united with us*, unless we will permit them to govern the majority. If this be their purpose, their anti-republican spirit, *it ought to be met at once*. But a government like ours should be slow in believing this, *should put forth its whole might when necessary to suppress it*, and promptly return to the paths of reconciliation. The extent of our country secures it, I hope, from the vindictive passions of the petty incorporations of Greece. I rather suspect that the principal office of the other seventeen States, will be to moderate and restrain the local excitement of our friends with you, when they (*with the aid of their brethren of the other States, if they need it,*) *shall have brought the rebellious to their feet.*"

In a letter to Major John Cartwright, as late as June, 1824, he says, "But you may ask, if the two departments, (meaning the General and State Governments,) should claim each the same subject of power, where is the common umpire to decide ultimately between them? In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the States must be called, to ascribe the doubtful powers to that department which they may think best. You will perceive

by these details, that we have not yet so far perfected our Constitutions as to venture to make them unchangeable. But still, in their present state, we consider them not otherwise changeable than by the authority of the people, on a special election of representatives for that purpose expressly: They are until then the *lex legum*."

The committee have felt it their duty to say thus much, in order to separate the doctrines of 1798, from the principle now in question. So far, at least, as they are contained in and depend on documents which deserve to be held in respectful remembrance whilst the Constitution endures.

Neither do the committee concur in the opinion that the right of secession necessarily results from the sovereignty of the States. It appears to the committee, and they express their views with unfeigned deference to the highly respectable opinions of those who differ with them, that this impression arises from erroneously regarding the sovereignty of the respective States as unqualified, and the association a mere confederacy of free and sovereign States.— If such were the case, if the union were a mere league, the result contended for might follow; but the committee do not so understand the system. The States, on the contrary, as it was competent for the people of each, acting in their highest sovereign character, have voluntarily established, by express grant, a sovereignty in some respects concurrent with, and in other respects superior to their own. This authority thus established, though founded on a compact, is nevertheless a government which is made by that compact sovereign and independent as to the powers granted to it, in the same manner as the States are sovereign and independent as to powers not granted. The people of the respective States have stipulated that their legislatures, and all their executive and judicial officers, shall be bound by oath or affirmation to support the Constitution of that government. For a breach of their allegiance to it, they have voluntarily subjected themselves to the highest penalties known to human laws; and to maintain its sovereignty, they have invested this government of their own creation with the purse and sword of the nation. The faithful performance of this contract is certainly matter of high obligation on all the parties to it; and no condemnation by the people can be too severe upon such as are so lost to the obligation under which they rest to each other, to the people, and to the cause of free government throughout the world, as to be guilty of its intentional violation. But, of the fact and consequences of such a breach, in cases where no other umpire has been designated, it is the right of each party to judge for itself; not for the Federal Government exclusively, as was contended by the States which protested against the Virginia and Kentucky resolutions in 1799; nor for each State solely, as is now contended. No right is reserved to the people of any State to

absolve themselves from the performance of duties which they have so solemnly assumed, without the consent of the other party or parties to the compact. Each State, on surrendering a portion of its sovereignty, acquired, in consequence thereof, a right to the perpetual adherence of each of its co-States to that Union which is so necessary to, and was established for the security of all.

The Articles of Confederation abound with declarations that the Union then formed should be perpetual; and the present Constitution was established for the avowed purpose of making it more perfect. New-York entered into the formation of it expressly "to render the Federal Constitution adequate to the exigencies of the Government, and the preservation of the Union." Deficient, indeed would have been the work which came from the hands of those great men who framed the Constitution, the final adoption of which was hailed with so much joy by the people, if it thus contained the elements of its own destruction.

When a State shall attempt to withdraw herself from the Confederacy, it is for her co-States to decide whether they will relinquish the rights which they acquired when they surrendered a portion of their sovereignty—consent to a dissolution, and endeavor to establish a new government; or whether they will insist on the preservation of the Union as it is. Without the recognition of this right, the Union could not have existed to the present day.—Strip the States of this right, and a system which but yesterday excited the respect and admiration of the world, must soon, very soon, serve only as an additional argument in the mouths of monarchists and absolutists against the capacity of man for self-government.

Let it not, however, be supposed that the committee are the advocates of unconditional submission. Such are not their views.—They concur fully in the sentiment, "that the authority of Constitutions over governments, and of the sovereignty of the people over Constitutions, are truths which are at all times necessary to be kept in mind." Or, in the language of our own State, "that the powers of government may be re-assumed by the people, whenever it shall become necessary to their happiness. In respect to State governments, this control can be constitutionally exercised by a bare majority of the people; and in the Federal Government, by a specified number of the States. But this is not the only mode by which the people can redress intolerable grievances. There is another, which cannot be better described than has been done by Mr. Madison. "And in the event (says he) of the failure of every constitutional resort, and an accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil than resistance and revolution, there can remain but one resort, the last of all—an appeal from the cancelled obligations of the compact, to original rights and the law of self-preservation. This

is the *ultima ratio* under all governments, whether consolidated, confederated, or a compound of both. And it cannot be doubted that a single member of the Union, in the extremity supposed, but in that only, would have a right, as an extra and ultra-constitutional right, to make the appeal."

It was to this species of separation, which God in his infinite mercy avert! that the committee understand Mr. Jefferson as referring, when he alluded to the farther measure of redress which might be resorted to in extreme cases, and spoke of Virginia's "standing by her arms." It was this great calamity that he sought to avoid, when he so eloquently and feelingly invoked his native state never to think of it, until the sole alternatives left, were a dissolution of the Union, or submission to a government, without limitation or power.

The history given by the President, of the formation of our Government, has drawn forth conflicting opinions in respect to its accuracy; and lest the committee might be regarded as having omitted any portion of their duties, they will, upon this subject, also, with deference to the views of others, briefly but frankly state their own.

The character of our government, so far as that is effected by the manner in which the Federal Constitution was framed and adopted, has been always a matter of more or less contention.—Differences of opinion upon the subject, have been in some degree fostered by a seeming discrepancy between the preamble of the Constitution, and historical facts; and perhaps in a still greater degree, by the different senses in which the term "States" is used by different persons. If we use that term, not merely as denoting particular sections of territory, nor as referring to the particular governments, established and organized by the political societies within each, but as referring to the *people composing those political societies, in their highest sovereign capacity* (as the committee think that in this respect the term should be used) it is incontrovertible, that the States must be regarded as parties to the compact. For it is well established, that, in that sense, the Constitution was submitted to the States; that in that sense, the States ratified it.—This is the explanation which is given on the matter in the report to the Virginia Legislature, which has already received the sanction of the committee. It is in this sense of the term "States," that they form the constituency from which the Federal Constitution emanated, and it is by the States, acting either by their Legislatures, or in Convention, that any valid alterations of the instrument can alone be made. It is by so understanding the subject, that the preamble is reconciled with facts, and that it is a Constitution established by "the people of the United States," not as one consolidated body, but as members of separate and independent communities, each acting for itself, without regard to their

comparative numbers. It was in this form that the Constitution of the United States was established by the people of the different States, with the same solemnity that the Constitutions of the respective States were established; and, as the committee have heretofore insisted, with the same binding force in respect to the powers which were intended to be delegated to the Federal Government. The effects which are likely to be produced by the adoption of either of the different versions of the Constitution which have at different times been contended for, it is not the intention of the committee to discuss. The positive provisions and restrictions of that instrument, could not be directly abrogated by the recognition of either. The comparative weight and influence which would be attached to the allegations and remonstrances of the States, in respect to the supposed infraction of the Compact might, however, be very different, whether they are regarded as sovereign parties of the Compact, acting upon their reserved rights, or as forming only indiscriminate portions of the great body of the people of the United States, thus giving a preponderance to mere numbers, incompatible with the frame and design of the Federal Constitution.

The diversities of opinion which have arisen upon this subject, have been more or less injurious according to their influence in inclining or disinclining the minds of those who entertain them, to a faithful observance of the landmarks of authority between the respective governments. Professions are easily made; and the best evidence of a correct appreciation of the nature and design of the system by a public agent, is to be found in the general bearing of his official acts. If his conduct be characterized by a desire to administer the government upon the principles which his constituents have elected, and by a determination to repudiate the dangerous heresy, that the Constitution is to be interpreted, not by the well understood intentions of those who framed and of those who adopted it, but by what can be made out of its words by ingenious interpretation; if he honestly believes that the people are the safest depository of power, and acts up to that belief, by evincing an unwillingness to exercise authority which was not intended to be granted, and which the States and the people might not, on open application, be willing to grant; if he has steadily opposed the adoption of all schemes, however magnificent and captivating, which are not warranted by the Constitution—which, from the inequality of their benefits and burthens, are calculated to sow discord where there should be union, and which are too frequently the offspring of that love of personal authority and aggrandizement which men in power find it so difficult to resist. If he has done all in his power to arrest the increase of monopolies, under all circumstances so adverse to public liberty, and the equal interests of the community: If his official career has been distinguished by unceasing assiduity to promote economy in the public expenditures,

to relieve the people from all unnecessary burthens, and generally to preserve our republican system in that simplicity and purity which were intended for it—under which it has hitherto been so successful, by which it can alone be maintained; and on account of which it has, until this moment, stood in such enviable and glorious contrast with the corrupt systems of the old world: If such be the traces of his official course, and if in maintaining it he shall have impressed all mankind with the conviction that he regards as nothing, consequences which are merely personal to himself, when they come in contact with duty to his country, the people of the United States will not doubt his attachment to the true principles of that Constitution which he has so faithfully administered and so nobly supported. Such, the committee take pride in saying, has been the official course of our present Chief Magistrate, a course by which, in the judgment of the people of this State, he has established for himself imperishable claims to their gratitude, respect and confidence.

The committee have thus explained their views upon the several delicate and deeply interesting questions before them, with that frankness which becomes the solemn occasion on which they act, and which should always characterise the movements of a sovereign State upon matters involving her relations with her sister States. In doing so they have felt it to be their duty to vindicate and explain the political principles which are entertained by themselves, and, as they believe, by a majority of the good people of this State. In the performance of this act of justice and duty, they have endeavored to avoid all imputations upon the motives of those who may differ from them. The same independence and toleration which they claim for themselves, they are disposed to extend to others. Amidst the conflict of interests and feelings with which those, who are charged with the conduct of public affairs at this interesting crisis, are obliged to struggle, there is happily one opinion which has not yet met with a dissenting voice in all the land; and which is fervently hoped, is too deeply implanted in the minds and hearts of the people to be ever eradicated. It is a thorough conviction, that anarchy, degradation and interminable distress, will be, must be, the unavoidable results of a dissolution of the union of these States. Associated with this undeniable and undenied truth, and growing out of it, there are, we trust, two other sentiments of equal universality—a determination to maintain the Union at all hazards, and a willingness to make liberal concessions, nay sacrifices, for the preservation of peace and reciprocal good will amongst its members. Upon this great conservative platform, all sincere friends of the Union, all who honor and truly respect the parting admonitions of the Father of his country, all who prefer that country to their own ambitious views and personal aggrandizement, and who are disposed to give the Executive

of the United States a cordial and efficient support, can meet, and act in concert to promote the greatest of all earthly objects. Here all may earn the enduring respect and confidence of the people, by an honorable sacrifice of personal and party feelings on the altar of their country's safety. We may differ as to the time, the manner, or the extent of the measures to be employed, whether of conciliation or coercion. It cannot be expected, at the present crisis, that honest and unprejudiced minds should all happen to arrive at the same conclusion. But such differences should not occasion heart burnings, much less resentments. Our fathers differed in like manner in the establishment of our government; and it is in vain for us to hope for exemption from similar embarrassments; the causes which produced them have not yet ceased to operate; they have been planted by the hand of nature, and cannot be entirely removed by that of man. Those, to whose valor and disinterested patriotism we are indebted for this glorious system under which we have so long and so happily lived, overcame them by mutual concession and compromise. If every man looks only to his own interests, or every State to its own favorite policy, and insists upon them, this Union cannot be preserved. We must not deceive ourselves upon this point, or suffer others to deceive us. Our errors, in this respect, may lead to consequences which can never be recalled; and over which we and our posterity may have occasion to shed bitter tears of repentance; we must take higher counsel than that which is derived from our pockets or our passions; we must be just, and if need be, generous; and the deep and overpowering attachment of the great mass of the people to the Union, the fidelity, energy, and fortitude of their character, directed by the illustrious man so providentially at the head of the Government, will carry us safely through the dangers which threaten our beloved country.

It remains only to reciprocate, as the committee doubt not the two Houses will readily do, the magnanimous and enlightened sentiments expressed by the Governor, upon the subject which has caused the present embarrassments in our public affairs. Most cheerfully, therefore, do they respond to his declarations, which "disclaim for New-York all desire to aggrandize herself at the expense of her sister States, or to pervert to local purposes, a system of government intended for the common benefit of all;" which asserts her estimate of the value of the Union and her devotion to it; and which avow her willingness, if the operation of existing laws be adverse to those views, to consent to such a modification of them as will remove all just ground of complaint, and afford substantial relief to every real grievance. In these sentiments the committee recognize the best policy as well as the true glory of these States; a policy "which cultivates peace and harmony by observing justice."

The opinion of this State in favor of the constitutional power of Congress, to afford encouragement and protection to domestic products, by the establishment for that object of suitable commercial regulations, has been too often declared to need repetition. Neither time nor circumstances have contributed to change its convictions, either of the existence or importance of this right. Without it, it would not be possible for the Federal Government to carry into effect one of the principal objects of its institution: and the United States would, in relation to our own exports, be left altogether at the mercy of foreign nations. The possession of the right, however, and the manner and extent of its exercise are very different matters. Whatever causes of serious apprehension for the stability of the Union may heretofore have arisen from this source, it appears to the committee that they have been greatly lessened by the payment of the national debt, and the disposition of the Executive of the United States, and, as the committee firmly believe, of the great body of the people, to make such modification of the tariff as becomes by that event just and practicable. The repeated recommendations of the President to reduce the revenue to what is requisite to defray the expenses of the government, necessarily incurred within the pale of the Constitution, and under a strictly economical administration of our affairs, have been so distinctly and emphatically sanctioned by the people of this State, as to leave no room for doubt or cavil as to their cheerful acquiescence in the measure. Indeed, the committee are yet to learn, that there is any man in this great community who advocates or would justify the collection of taxes from the people for any other purpose, and certainly not for the sole one of taking money from the pockets of one class of our people to put into those of another. All that is asked, is, that the amount of duties thus raised, and so expended, shall be levied in such a manner as to afford reasonable encouragement and protection to our own manufactures and other productions, to enable them to compete with similar articles, the manufacture or production of other countries. With such qualifications as may be necessary to prevent injustice, and to preserve inviolate that sound rule of legislation, which requires that all public burthens should be borne in a proportion to the ability of the contributors, and the extent of the security which they derive from the government. In other words, that too large a share of the public taxes be not imposed upon those articles of prime necessity to the poor, to the exoneration of articles of luxury, which are used only by the rich. And further, that the reduction of duties thus rendered practicable by the payment of the public debt, though ultimately certain, should not be sudden or capricious, but tempered to the condition of existing establishments—establishments which have grown up and been encouraged by our legislation, and whose claims to the favor and indulgence of the government and people are found-

ded upon the public faith. To a claim so reasonable the committee are unwilling to believe that the real friends of the Union any where can object. Men may resist to the uttermost the imposition of unreasonable burthens for the protection of articles, in the manufacture and production of which they are not immediately concerned. But, there are, surely, no American citizens who, exempt from such impositions, would not prefer to encourage those of their own country, in preference to the fruits of foreign labor.

It is not in behalf of New-York, particularly, that these considerations are urged. For it is notorious that this State is not the principal seat of manufacturing establishments. But justice dictates the same course whatever and wherever be its application.

The rules by which this distribution and reduction of the public burthens are to be effected, must from the nature of things, be more or less arbitrary and uncertain. But if the subject be undertaken and prosecuted in good faith—if the tariff system be not made subservient to the purposes of personal ambition, nor to the cravings of individual cupidity, but treated as a matter of business affecting, deeply, the private concerns of every man in every quarter of the Union, there is no doubt of the ability of Congress to adopt such rules as will be satisfactory to the nation.

That the bill of the last session will not reduce the revenue to the proposed standard is certain. The anticipated excess is estimated at between six and seven millions of dollars. Whether the late act should be permitted to go into operation with the intention of modifying the system at the next session of Congress; or whether the object in view shall be effected at the present session, by a law which, though passed now, shall have a gradual operation, is an important point in the difficult and deeply interesting question to be decided. The committee are by no means insensible to the embarrassment arising from the existence of the Ordinance of the State of South Carolina, and regret that any such obstruction should have been thrown in the way of a regular expression of the public will. They could never advise any legislation by Congress under the dictation of any power; and they have very little fear, that any such will be desired by the Executive, or sanctioned by that body. It must, however, be borne in mind, that South Carolina is not the only State which considers herself injuriously affected by the existing law, and seeks relief from its operation; that there are many other States who are, in this respect, similarly circumstanced, whose alienation from the Union would be the greatest calamity that could befall us, but who have shown as much devotion to the Union, and have manifested as much repugnance to the measures of South Carolina as any. It is then for the justice and sound discretion of Congress to decide, whether, whilst all proper measures are adopted to maintain the laws of the United States in the State of South Carolina, in the same manner

as if no such Ordinance had been passed, they may not without detriment to the honor and dignity of the Government, now act upon a matter which has been so specially and urgently submitted to them by the Executive. We may be assured that there is sufficient intelligence and virtue in the people to judge those greatly deprecated measures by themselves, uninfluenced by prejudices of any sort on the one hand, or by the cotemporaneous measures of the Government on the other. Nor is it a matter of slight importance to the people of this State to consider whether the acts of South Carolina ought to occasion a collection from them of about one million of dollars annually, a sum three times as large as is required for the entire expenses of our State Government, when the President informs us that it is not needed for the public service.

The duty of deciding upon these grave matters rests, as has been justly observed by the Governor, so far as this State has a voice in the discussion, with those who represent us in the Congress of the United States. There, the committee think, with a general expression of the sense of the Legislature, it ought and may with safety be left. It would, doubtless, be competent for the Legislature to give explicit advice and instruction to their representatives upon the subject, but from the obvious superiority in position of our representatives in Congress, to take a better view of the whole ground than that which is possessed by us, and from the great extent to which the question as to the most proper time for action, as well as the particular provisions which ought to be made, are dependent on facts and details, of which it is impossible that we can be as capable of judging as they are, the committee think the Legislature will best consult their duty and the interests of all, by confining themselves, at this time, to the general expression of opinion which is now most respectfully proposed.

If by a faithful adherence to the principles here advanced in their behalf, the people of this State can contribute to the restoration and preservation of that fraternal affection in which the Union was originally founded, by which it was once cemented, and which is so essential to its preservation, it will be to them a source of much joy and deep gratitude to the Supreme Disposer of events, for the agency they have been permitted to exercise in effecting so great a good. But if, on the contrary, their well-meant efforts prove unavailing; if the offerings of peace and good will which have been so freely and so sincerely tendered by them, in conjunction with their co-States who participate in the same sentiments, shall be rejected; if in the providence of God it be decreed that this Government and this happy Union, the affairs of which have been hitherto so successfully directed by it, are to be put to the final test, the government and people of this State will meet the crisis with the sustaining consciousness, that they have done all that duty enjoined

and honor permitted to avert the worst calamity that could befall the country.

The committee respectfully suggest, for the consideration of the Legislature, the following resolutions:

RESOLUTIONS.

STATE OF NEW-YORK.

IN SENATE, *February 16th, 1833.*

Resolved, (if the Assembly concur,) That we approve of the general views and conclusions of the preceding report.

Resolved, (if the Assembly concur,) That we regard the Union of these States as indispensable to their prosperity and happiness; that we participate fully in the desire which has been manifested by the President to restore harmony and conciliate affection amongst all the people of the United States, by a seasonable and equitable modification of the Tariff, adapting it to the present condition of the country, that we approve the measures he has adopted and recommended to sustain the authority and execute the laws of the United States; and that the government and people of this State will cordially co-operate with him in the exercise of all the means which may be necessary and proper to secure those objects.

Resolved, (if the Assembly concur,) That we regard the right of a single State to make void within its limits the laws of the United States, as set forth in the Ordinance of South Carolina, as wholly unauthorised by the Constitution of the United States, and in its tendency subversive of the Union and the Government thereof.

Resolved, (if the Assembly concur,) That we do dissent from the doctrine, that a single State has a right to withdraw itself from the Union against the wishes of its co-States, whenever in its sole judgment the acts of the Federal Government shall be such as to justify the step.

Resolved, (if the Assembly concur,) That the Governor be requested to transmit a copy of the foregoing report and resolutions to the Executive of the State of South Carolina, and to the Executives of the other States respectively, to the end that they may be communicated to the Legislatures thereof, and also a copy of the same to the President of the United States, and to each of our Senators and Representatives in Congress.

By order,

J. F. BACON,

Clerk of the Senate.

STATE OF NEW-YORK.

IN ASSEMBLY, *February 23d, 1833.*

Resolved, That this house do concur with the Senate, in their said resolutions.

By order,

FRANCIS SEGER,

Clerk of the Assembly.

MASSACHUSETTS.

REPORT of the special joint committee on the Message of the Governor of January 19—transmitting Resolutions of South Carolina proposing a Convention of the People to revise the Constitution of the United States.

EXECUTIVE DEPARTMENT.

CHARLESTON, SOUTH CAROLINA,

January 5th, 1833.

SIR,

I have the honor to transmit the annexed Resolutions, passed by both branches of the Legislature of South Carolina, with a request that the same may be laid before the Legislature of your State.

With high consideration, I am,

Very respectfully, your ob't. serv't.

ROB. Y. HAYNE.

*To His Excellency**The Governor of Massachusetts.*IN THE SENATE, *13th December, 1832.*

The Committee on Federal Relations, to whom was referred that portion of the Governor's Message, No. 3, which relates to the call of a Convention of the States, respectfully Report the following Preamble and Resolutions.

WHEREAS, serious causes of discontent do exist among the States of this Union, from the exercise, by Congress, of powers not conferred, or contemplated, by the Sovereign Parties to the Compact, therefore,

Resolved, That it is expedient that a Convention of the States be called as early as practicable to consider and determine such questions of disputed power, as have arisen between the States of this Confederacy and the General Government.

Resolved, That the Governor be requested to transmit copies of this Preamble and Resolutions to the Governors of the several

States, with a request that the same be laid before the Legislatures of their respective States, and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Resolved, That the Senate do agree.

Ordered, to the House of Representatives for concurrence.

IN THE SENATE, 19th December, 1832.

The House of Representatives returned, with their concurrence, the Report of the Committee on Federal Relations, on that portion of the Governor's Message, No. 3, which relates to the call of a Convention of the States.

A true copy from the Journals.

JACOB WARLEY,

Clerk of the Senate.

Commonwealth of Massachusetts.

IN SENATE, Feb. 1833.

The Special Joint Committee, to whom was referred, among other things, that portion of his Excellency the Governor's Message, relating to the subject of the preamble, and resolutions of the Legislature of South Carolina, proposing that a "*convention of the states should be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the states of this confederacy, and the general government*" have had the same under consideration, and respectfully submit the following REPORT in part.

Upon the first presentment of the resolutions in question, taken in connexion with the matter contained in the preamble, with which they are introduced, your committee are considerably at a loss to determine what should be regarded as being their precise scope and object. The question occurred to them whether it was the intention of the Legislature of South Carolina to invite a Convention of the States, with a view to certain specific amendments of the constitution of the general government, in conformity with the provisions in the fifth article of that instrument, or assume the novel and extraordinary ground that such a convention was necessary, or expedient for the purpose, merely, of considering, and determining, in their sovereign capacity, certain questions of *disputed power*, which are supposed to exist between that state, more particularly, and the government of the union.

With reference to this point, the committee were naturally led in the first place, to a consideration of the very unusual manner, (in case an amendment of the constitution, in conformity with the article

alluded to were alone contemplated) in which the proposition is submitted to the Legislature of Massachusetts.

Since the first organization of the federal government, it has, as the committee believe, been the uniform practice of the legislature of a state, whenever it has proposed to bring any amendment or change in the constitution of that government by a convention of the states, to specify, in their application to other states, for co-operation and support in such a measure, the precise points wherein the existing provisions of the system were supposed to be doubtful or insufficient, and the nature and extent of the correction proposed to be applied. This form of application, which, whether prescribed or not by the terms of the article before referred to, would seem to be such as the nature of the case requires, appears, nevertheless, to have been not inadvertently, but studiously, avoided by the Legislature of South Carolina on the present occasion.

In another particular, the novelty of the proposition now submitted to this legislature, not as respects its form only, but its matter and substance is not less conspicuous. It is not proposed that a convention should be called, with a view to any particular amendment, or even, in general terms, to a revision of the constitution of the general government, but that it should take upon itself, when assembled, in a manner wholly unknown in any existing provision of the federal compact, the office of umpire, and sit in judgment on certain disputes which are alleged to exist between a state or states and the nation. It is believed by your committee, that, with the exception of one solitary case of an analogous description, to which they may hereafter have occasion to advert, for another purpose, but which, considering the time of its occurrence, and the fate that awaited it, they can hardly suppose would be relied upon as affording the authority of a precedent, the proposition now submitted is entirely unexplained in the history of this government.

It is, at any rate, most manifest, that, if assented to by the states, it would necessarily be attended with the most fatal consequences to the union. If the principle be sanctioned that, whenever a single member of this confederacy, conceiving itself aggrieved by any, even a questionable measure of the general government, shall be permitted, first, to resist the measure, and then to summon a convention of the whole, in order to consider and determine the matter in dispute, it is easy to foresee what utter degradation of all the regular authorities of the government, what scenes of anarchy and disorder throughout the land must inevitably and speedily ensue. But it appears to your committee, that the proposition, in itself, is not more extraordinary than is the sweeping assertion with which it is prefaced, and which seems, indeed, to constitute the only grounds upon which it is predicated. In the preamble to the resolutions in question, it is declared "*that serious causes of discontent do exist among the states of this union, from the exercise by Congress, of powers not*

conferred or contemplated by the sovereign parties to the compact."—The committee will not trust themselves to express, in terms such as their feelings might prompt them to employ on the occasion, the surprise, as well as the regret they have experienced at meeting with a solemn, deliberate announcement like this, from the legislative body of a respectable member of this union. Nor will they stop to consider, how far, under almost any imaginable circumstances, it is consistent with that courtesy and comity, to say nothing of respect and confidence, which the constituted authorities of the different states have hitherto been accustomed to manifest in their intercourse with one another, and with the several departments of the general government. In the view of your committee, the position here assumed, for it is unaccompanied by any reserve, or qualification whatsoever, amounts in fact to nothing less than this, that both branches of the legislative department of this nation, including of course the chief executive, who must have sanctioned their proceedings, have manifestly been guilty of a dereliction of duty, palpable abuse of power, while in the pretended exercise of their official functions.

An imputation of so grave and serious a nature is not indeed in so many words pronounced against them, but as much as this is clearly implied by the whole tenor of the document alluded to.—If, according to the naked assertion of the preamble, which is wholly unaccompanied by any allowance for a possible error of judgment, the Congress of the United States have, on any occasion, been found to have exercised "*powers not conferred nor even contemplated by the parties to the federal compact,*" the inference would seem to follow, of course, for all acts of a legislative body must be supposed to have been the result of deliberation, that the outrage was perpetrated knowingly, intentionally. Indeed, the committee have been reluctantly led to the conclusion, especially, when taking into view the present communication from the legislature of South Carolina, in connection with the extraordinary measures antecedently adopted, and still maintained by a majority of the people of that state, in their convention, and in their halls of legislation, that it was, in reality, their deliberate intention to pronounce a sentence not less serious and severe, than that before supposed, against the legislative authorities of the general government. It is, as your committee, from a due consideration of all the circumstances of the case are constrained to believe, principally, with a view to the confirmation or the reversal of this sentence, that the invitation is now given to Massachusetts, to unite in summoning a Convention of the States. In this connection, it may be useful to notice, very briefly, the grounds on which, not the leading politicians only, but the high functionaries in the government of South Carolina, have attempted to justify the extraordinary proceedings that have been adverted to. It has been promulgated as one of

the first and fundamental principles in their new theory of the federal government, that not one jot or tittle of the sovereignty of any state was surrendered or compromised, in any manner, at the formation of the union. That a state has a right of course, to be its own interpreter of the laws of the general government, and to be the judge in the last resort, of their validity. That, whenever a state, in its sovereign capacity, shall be pleased to pronounce that the Congress of the United States have, in regard to any of their enactments, transcended the authority delegated to them by the Constitution, all such acts must thenceforth so far, at least, as concerns the citizens of such state, be considered as utterly void and ineffectual. Furthermore, it is contended, that a declaration, of the kind above mentioned, is not only binding upon all within the jurisdiction of the disaffected state, but conclusive also, for the time being at least, against all the authorities of the general government. From this novel and most extravagant doctrine, it results as a consequence, that an act of the highest legislative authority of this nation, whatever may be its scope or object, or however urgent in reference either to the foreign or internal affairs of the whole people, may have been the cause of its adoption, must, when thus brought into question, remain as it were in obedience, at the commandment of a single state. In other words, that the vast and complicated machinery of the national government shall be made to stand still, until a grand convention of twenty-four independent, contending sovereignties, if so many should be pleased to assemble on the occasion, shall have considered and determined the question of its validity.

Such, in substance, appears to be the theory of reform which has recently been promulgated, and is still maintained by the constituted authorities of South Carolina; and your committee is constrained to believe that it is, with a reference to this system, and to a consummation of the very extraordinary course of procedure, therein contemplated, that the proposition for a Convention of the States is now submitted to their Legislature. The Committee conceive that it would be a very useless appropriation of time, especially, as the whole subject matter involved in the late extraordinary proceedings of South Carolina, is already, entirely familiar to the community, were they to proceed any farther, on a course of reasoning, in order to demonstrate the utter fallacy, and impracticability of the doctrines, here adverted to; or to dwell, longer, in contemplating the consequences in which, should they be sustained, they must naturally, and necessarily involve the peace, and safety of the Union. Their tendency, it is conceived, is quite too obvious to require, or even to admit of argument, or illustration. They, manifestly, go to resolve at once, our present glorious system of National Government into its original elements, and would leave, not for the present generation, but for posterity, the fearful, if not, utterly hopeless

task, of building some frail, and miserable fabric upon its ruins.

In fine, your committee are unanimously of the opinion, that upon any such grounds, or for any such reasons as those which are set forth in the *said Preamble and Resolutions*, according to the construction thus given to them, it would be wholly, inconsistent with the honor, and the dignity of this Commonwealth to accede to the call of a Convention of the States, for the purposes therein specified.

But, secondly, in case your Committee have been so unfortunate in regard to the before-mentioned particulars, as to have misinterpreted the import, and intent of the Communication from the Legislature of South Carolina; if, contrary to the construction, now assumed, its real intention was to invite the co-operation of Massachusetts in the call of a Convention of the States with a view to some legitimate amendment of the Constitution, in conformity with the existing provisions of the instrument, the Committee are, nevertheless, entirely, agreed in the opinion, that there are, in truth, and, in fact, no such causes existing, as would justify, even for such a purpose (especially, during the present, irritable state of feeling among the people of several States of the Union) a resort to a measure so unusual, and extraordinary. Unless some one or two discontented States in this Union should, by reason of their pre-eminence in virtue, and patriotism, be considered as justly entitled to the distinguishing appellation of "*the States of this Union*," the Committee cannot assent to the position which is laid down in the sweeping language of the Preamble to the Resolutions from South Carolina, that there are, in fact, existing, *serious causes*, or any just causes whatever, whether serious or trivial, of discontent, among "*the States of this Union*"; much less, are the Committee prepared to sanction the yet more extravagant assertion, that if discontents of any kind, or to any extent, do, in fact, exist, "*they have arisen from the exercise, by Congress, of powers not conferred, or contemplated, by the sovereign parties to the Federal Compact.*"

It is, indeed true, that within the period of the last two or three years, one of the States of this Union has seen fit to proclaim aloud, throughout the land, her displeasure on account of certain prominent measures of the General Government.

She has been pleased to assign, as the cause of the discontent, that the highest legislative authority of the nation had assumed to itself the exercise of unwarrantable, and exorbitant power; and, on this ground, has, at length, placed herself in the attitude of open defiance of the Constitution and the laws of the land.

It is not less true, however, that whatever of sympathy or commiseration may have been expressed or felt, by any, for the errors and delusion of a much beloved, but wayward associate in the political family, not a single other State in this Union is united with

her in sentiment, either as to the legal grounds of her complaint, or the propriety of the measures to which she has seen fit to resort for redress. On the contrary, in relation to both the one and the other, the voice of nearly the whole people, in their primary assemblages, in their halls of legislation, and every where throughout the land, has been heard, in a tone not of expostulation only, but of severe censure and reproof, to pronounce its decision against her.

In the opinion of your Committee, a convention of the States cannot now be necessary to consider the validity of that decision, or to add any new provisions to those already existing in the Federal compact, with the view of preventing a recurrence of similar discontents among the States, in future.

It is now nearly half a century since the present admirable system of Government first came from the hands of the illustrious statesmen and patriots by whom it was framed. Its theory, conceived as it would now seem to have been, almost by the power of superhuman intelligence, has been found, in experiment, in its wonderful adaptation to all the various and complicated concerns of this great and growing nation, not only to have equalled, but greatly to have transcended, the most sanguine hopes and expectations of the country.

In peace and in war; throughout all the trials and vicissitudes to which the nations, as well as individuals, in this imperfect state of being are necessarily subjected, its original principles, as they were at first established and understood by the people, have, to this day, remained without essential change or variation—unpolluted, undisturbed. Indeed, the members of the Committee are solemnly impressed with the conviction, that next to the superintending agency of a wise and beneficent Providence which seems from the first to have watched over the destinies of this much favoured people, it is to this same system of civil Government, and to the mild, but firm and undeviating manner in which its principles have, for the most part, been maintained and administered, that we are chiefly indebted for the general, nay, almost universal prosperity which is now seen and felt in every part of this wide spread nation. It is this, as they verily believe, which, under the smiles of Heaven, has been the means of elevating these States from their once confused and imbecile condition, to that distinguished station which they now occupy among the proudest and most powerful nations of the world.

In the Constitution of a Government framed with such wisdom, which has been thus tried and proved, and found to have been attended with such happy results, it surely would not be the part of prudence or good policy to attempt, on any light occasion, or indeed in any case but one of the most imperious and urgent necessity, a fundamental change of any kind. It is the opinion of your Com-

mittee, that in the complaints lately put forth by the State of South Carolina, there is nothing, when their real causes are fairly and fully investigated, that can be supposed to amount to the presentment of an exigency of this latter description.

Nor do the Committee believe that a revision of the Federal Constitution, by a Convention of the States, would at this time be useful, much less that it can be necessary, as has of late been some times alleged, or *pretended*, with a view to some more clear and exact definition than is to be found in the existing provisions of that instrument, in relation either to the legitimate boundaries of jurisdiction between the General and the State Governments, or to any of the powers or immunities which these high parties respectively have hitherto been accustomed to claim or enjoy.

It was not unforeseen by the illustrious framers of the Federal compact, nor by the intelligent people who adopted it, that in the very nature of things, such "*questions of disputed power*," (to use the language of the South Carolina resolutions,) would be likely to arise in the course of its operation. They were doubtless well aware also, that it was not the power of any human wisdom or forecast, or indeed of any thing less than the intelligence which belongs alone to the Omniscient, to devise a system of Government for a nation like this, that should be forever exempt from such doubts and exceptions as the ingenuity or ambition of men might suggest, especially in times of party zeal or excitement. Differences of this kind in political opinion, and the collisions which some times spring from them, should be regarded as the natural, perhaps necessary incidents of all free institutions; as constituting in fact that portion of alloy which, by the ordination of Providence, seems to have been mingled with all our best comforts and blessings, and without which we could not have been permitted to enjoy the blessing of civil liberty, which is more precious in our estimation than all others.

But it is believed that the testimony of all history will demonstrate that such difficulties have been of less frequent occurrence, and attended with much less serious consequences in this, than in any other Government partaking in any degree of the republican form, which has existed on the face of the earth. It was, at any rate, precisely with a reference to these natural and necessary consequences of the freedom of all our political institutions, that the grand conservative principle, which is found in the Judiciary department, was deeply implanted in the system; that a high tribunal was appointed to stand, as it were, by the very tenure of its office, as well as by the peculiarity of its attributes in other respects, separate and distinct from all other departments of the Government. That to this tribunal was confided the great business of interpreting the Constitution and the laws, and of performing the high office of arbiter, in the last resort, of

more than a tribute justly due to the character and conduct of this distinguished tribunal, as well as to the wisdom and forecast of the illustrious statesmen who provided for its organization, to pronounce that it has hitherto fulfilled most faithfully effectually, the great purposes of its appointment.

It must be admitted, indeed, that, in the course of a series of years, during which the system has been in operation, a few isolated instances of insubordination, not only, among considerable masses of citizens, but extending, even, to the constituted authorities of whole States, have been known to exist, which seemed, at first, too mighty to be controuled by the mild, and peaceable operation of the principle alluded to; but happily, for the peace, and honor of the country, the Constitution and the laws have hitherto in all such cases, eventually triumphed. The Committee, here, feel a degree of pride as well as pleasure, from having an opportunity to unite their humble voice with that of the late distinguished *Commentator*, who had, perhaps, as much to do, as any other mortal now living or dead, in the original formation, and subsequent administration of our present system of government, in the declaration that, "*with few exceptions, the course of the Judiciary has, hitherto, been sanctioned by the predominant sense of the nation.*"

If, in relation to this particular branch of the subject, any thing further were wanting in confirmation of the opinions which are entertained by every member of the Committee, they would beg leave to invoke to their aid, and indeed to adopt as their own, the sentiments that were, once expressed by the Authorities of another leading State of this Union in a case corresponding, essentially, in its character, and, in fact almost entirely analogous, in its circumstances, to that which is now, presented for consideration.

The Committee, here, allude to the proceedings of the Legislature of Virginia, some thirty years ago, when a proposition was submitted to them by the Government of a neighboring State, then, the largest, and most influential member of the confederacy, for an amendment of the Constitution of the United States, by providing for "*the appointment of an impartial tribunal to decide disputes between the State, and Federal Judiciary;*" in other words, a tribunal, in relation to which, the one, now established by the Constitution, should become, a mere Subordinate, and Dependent. It would be foreign from the purpose of the present inquiry, and serve, only, to revive the remembrance of scenes, which, for the honor of the country, should, rather, be permitted to pass, silently to oblivion, and, if possible, be obliterated from the history of this government, were the Committee to attempt a detail of the reasons, or rather, pretexts which were urged as the grounds of this extraordinary, and, at that time, wholly, unprecedented proposal, on the part of the great State that has been alluded to.

It is sufficient for us to know, that it was in a case in which the

all questions "*of disputed power*" that might arise in the course of their administration. It is, in the opinion of the Committee, no highest Authorities of one of the States of this Union were seen in hostile array, on the very verge of open insurrection, against the Judicial power of the nation; and which, but for a returning consciousness of error, and delusion, on the one side, and a firm, undeviating perseverance in the execution of its high duties, on the other, must inevitably, have involved the country in all the complicated horrors of civil war.

But, happily, for the nation, the pretensions, and the project of the disaffected State received no countenance from the State of Virginia. Her response, on the occasion, was precisely, such as might, reasonably, have been anticipated from the intelligence, and pure patriotism of such men, as are known to have presided, at that day, in the councils of that, much distinguished Commonwealth.

"It was, among other things, unanimously, resolved by both Branches of their Legislature that, in their opinion, there was a Tribunal already, provided, by the Constitution of the United States, to wit, the Supreme Court, more eminently qualified, from their habits, and duties, from the mode of their selection, and from the tenure of their office, to decide the disputes aforesaid, in an enlightened, and impartial manner than any other Tribunal which could be erected."

Such, to the very letter, was the magnanimous declaration of Virginia, when, by reason of an unpopular, Judicial decision, (in the celebrated *Olmstead case* of Pennsylvania) she was invited to co-operate in an attempt to break up the existing foundations of the Judiciary Department of our Government. The example thus presented to us is worthy of all praise, and of imitation; and it surely, is of not of the less authority, from the circumstance of being holden up to us, by a member of this Union, which, whatever may, at any time, have been said, or thought of its political character, in other respects, has, it is believed, never been suspected of any deficiency of zeal, or devotedness to the cause of State rights, or the protection of its own dignity, and sovereignty.

The Committee will not attempt, by any further commentary of their own, to give this precedent, additional strength or weight.

In fine, upon a mature and deliberate consideration of the whole subject submitted to them, the Committee have, unanimously, agreed to recommend to this Legislature, the adoption of the following Resolves.

For the Committee.

GEORGE BLAKE.

RESOLVES.

WHEREAS, the Governor of the State of South Carolina did by his communication, under date the fifth day of January last past transmit to His Excellency the Governor of this Commonwealth copies of a certain preamble, and resolutions connected therewith, recently passed by both branches of the Legislature of the said first mentioned States, with a request that the same might be laid before the Legislature of this Commonwealth; in which said preamble and resolutions, it is set forth that "*serious causes of discontent do exist among the States of this Union, from the exercise, by Congress, of powers not conferred or contemplated by the sovereign parties to the compact; and resolving, therefore, that it is expedient that a convention of the states be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the state of this confederacy, and the general government.*"

AND WHEREAS, His Excellency the Governor of this Commonwealth hath, in pursuance of the said request submitted to the consideration of this Legislature, the preamble and resolutions aforesaid: Therefore

1. *Resolved*, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That the Legislature of this Commonwealth do not recognise the existence, at this time, of any *serious* causes of discontent, among the States generally, of this Union, or in any one of them; much less, can they admit that, if any such discontents do, in fact, exist, they have arisen from the exercise by Congress of powers not conferred or contemplated by the sovereign parties to the compact, as is asserted in the before mentioned communication from the Legislature of South Carolina.

2. *Resolved*, That there is already existing under the Constitution of the United States, a proper and competent tribunal, namely, the Supreme Court of the United States, who are invested with sufficient power, and authority; who are, eminently, qualified, and to whom it constitutionally belongs, to consider and determine "*the questions of disputed power,*" and all other matters of controversy which are referred to in the said preamble and resolutions: Therefore

3. *Resolved*, That the Legislature of this Commonwealth do not accede to the proposition of calling a convention of the States for the purposes therein expressed, or for any other purpose whatsoever.

4. *Resolved*, That His Excellency the Governor be requested to transmit a copy of these resolves, together with the report which accompanies them, to the President of the United States, the Gov-

errors of all the States, and to each of the Senators and Representatives of this Commonwealth in Congress.

IN SENATE, March 16, 1833.

Read twice and passed.

Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, March 18, 1833.

Read twice and passed in concurrence.

W. B. CALHOUN, *Speaker*.

March 18, 1833.

Approved.

LEVI LINCOLN.

A Copy, Attest.

EDWARD D. BANGS,

Secretary of the Commonwealth.

MARYLAND.

BY THE HOUSE OF DELEGATES,

February 9, 1833.

The joint committee, to whom was referred the Ordinance and other documents, transmitted us by the Governor of South Carolina, and that part of our late Governor's message, relating thereto, have given the subject that attention which its serious import demands, and report the following:

Resolved by the General Assembly of Maryland, That in expressing our opinion upon the ordinance of nullification, and the recent proceedings of South Carolina, it is our duty to declare our opinions firmly on the principles assailed, and to expostulate mildly and affectionately with her.

Resolved, That we hold these principles to be incontrovertible, that the government of the United States was adopted by the people of the different states, and established in order to form a more perfect Union, establish justice, ensure domestic tranquillity, "provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," that it possesses all the powers necessary for the purposes for which it was instituted, that it is irreconcilable with the objects and purposes for which the constitution was adopted, to suppose that it contains in itself the principles of its own destruction, or has failed to endue the government, created by it with the essential power of self-preservation.

That it is not in the power of any one state to annul an act of the general government as void, or unconstitutional.

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That the power of deciding controversies among the different states, or between the general government, and a state, is reposed in the federal judiciary, and that it is an act of usurpation for any state to arrogate to herself jurisdiction in such cases.

That the Supreme Court is the only tribunal, having conclusive jurisdiction in cases involving the constitutionality of the acts of the general government.

That whenever a state is aggrieved by the constitutional acts of the general government, the fifth article of the constitution prescribes the remedy, declaring that "the Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by a conventions, in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

That the right to annul a law of the general government, assumed by one state, is "incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorised by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

That our fellow citizens of South Carolina, who remain faithful to the constitution and laws of the United States, are entitled to the protection of the general government, both for their property and their persons.

That if any state, regardless of the constitutional remedies which are afforded for every grievance and oppression, should attempt to withdraw from the Union, it is the right and duty of the general government, to protect itself, and the other states from the fatal consequences of any such attempt.

Further Resolved, That the Ordinance of nullification of South Carolina is calculated to mislead her citizens from the true character of federal government, and the just allegiance, which they owe to that government.

Resolved, That this state is ardently attached to the Union, that it does not desire any additional powers to be conferred on the general government, but wishes every delegated power to be exerted, that has a tendency to strengthen the bonds that unite us, and to fortify the hope that the Union will be perpetual.

Resolved, That this state does not recognise the power in any state, to nullify a law of Congress, nor to secede from the Union, and that it will sustain the general government in the exercise of every constitutional means to preserve unimpaired the integrity of the United States.

Resolved, That our mutual interests and general welfare impel us

to guard with care, the integrity of the constitution, and to appeal in the most solemn and affectionate manner to the other states, and particularly to South Carolina, to reciprocate with this state, its well founded attachment to the Union, and to oppose, with becoming firmness, every infraction of those great and fundamental principles of the constitution, which form the only basis on which our happy institutions can with safety repose.

Resolved, That we deeply deplore the excitement which has prompted our sister state of South Carolina to the attitude of defiance, which she now exhibits; that however extravagant her irritation may be deemed, or impatient her proceedings, we will not renounce the hope that a calmer feeling will yet enable her to see the dreadful consequences of repelling the laws of the Union.— That, conspicuous and persevering as her valor was in achieving the great results which gave birth to our Union, she will yet remember the glory of her early toils, and will offer up, in the sanctuary of the Union, her ordinance and her consequent laws, a patriotic sacrifice to the cause of American liberty and Union.

Resolved, That the tariff laws of 1828, and of 1832, are within the legitimate exercise of the constitutional powers of congress, but we will acquiesce with pleasure, in any modification of those laws which the wisdom of congress may devise for allaying the excitement on that subject, in the Southern portion of our country, which shall reduce the amount of revenue to the necessary expenditures of the government, and at the same time sufficiently guard those great interests which have grown up under the system of protection.

Resolved, That the following words from Washington's Farewell Address, should at all times, but particularly at the present alarming crisis, be impressed upon the heart of every American: "The unity of government, which constitutes you one people, is also now dear to you, it is justly so, for it is a main pillar of the edifice of your real independence. The support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize."

"It is of infinite moment that you should properly estimate the immense value of your National Union, to your collective and individual happiness, that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Resolved, That the governor be requested to transmit a copy of the above resolutions, to the President of the United States, to the

executives of the several states, and to each of our senators and representatives in congress.

By order,

G. G. BREWER, *Clk.*

By the Senate, Feb. 26, 1833.

Read and assented to.

JOS: H. NICHOLSON, *Clk.*

STATE OF NEW-JERSEY,

EXECUTIVE DEPARTMENT,

Trenton, Feb. 19, 1833. }

SIR,

I have the honor to transmit to your Excellency, Preamble and Resolutions, recently passed by the Legislative Council and General Assembly of this State—and am, very respectfully,

&c. &c. &c.

SAMPL. L. SOUTHARD.

TO HIS EXCELLENCY, THE GOVERNOR
Of the State of Kentucky.

STATE OF NEW-JERSEY.

WHEREAS the people of the State of South Carolina, in Convention assembled, have, by an ordinance, dated 24th of November, eighteen hundred and thirty-two, declared and ordained that the several acts and parts of acts of the Congress of these United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, are unauthorized by the constitution, violate the true intent and meaning thereof, and are null and void and not binding upon the said state, its officers or citizens, have proclaimed their determination to enforce said ordinance at every hazard, denied the authority of the general government to enforce the revenue laws within the said State of South Carolina, and transmitted a copy of such ordinance, together with an appeal to the people of the United States, to the Executive of this State: AND WHEREAS the high obligations we owe to our common country, as a member of this great confederacy, as well as the due preservation of the inestimable privileges we enjoy under this free and happy government, secured by the toils and cemented by the blood of our common ancestors, has rendered it an imperative duty to proclaim our opinions upon this important subject—THEREFORE, in the name and in behalf of the people of the State of New-Jersey, and as their legal representatives,

1. BE IT RESOLVED, *by the Council and General Assembly of said State*, That the Constitution adopted and sanctioned by the people of these United States, as well as our early history, our common interest, our habits, our intercourse, our love of freedom, the honor, strength and durability of our country, proclaim that all the States of this Union make one indivisible nation, united in prosperity and adversity, in peace as in war, by the sacred and indissoluble bond of their Union.

2. *Resolved*, That we deprecate the acts and proceedings of our brethren of the State of South Carolina, as opposed to the fundamental principles upon which the government of these United States is based, as violating the spirit and meaning of the Federal Constitution, and tending to rend asunder those ties of common interest and fraternal regard, of mutual dependence and reciprocal obligation, which are alike our pride, our glory and our strength, and which have proclaimed us to the world a United People.

3. *Resolved*, That when South Carolina, together with all the other States, acceded to this Union, and adopted the Constitution, she and they became thereby irrevocably bound that all controversy upon the Constitutionality of an act of Congress, should be finally adjudicated by the Supreme Court of these United States. The sacred charter of our liberties never contemplated that each state had reserved to itself an ultimate appeal to its own citizens in their sovereign capacity.

4. *Resolved*, That the manufactures of America, are one of the elements of our independence and greatness; not oppressing, but advancing hand in hand with agriculture and commerce. These three sources of National prosperity, demand equally the fostering protection of Government; to crush either would be to paralyze all; and to the General Government, alone, standing on an elevation to survey the whole ground, belongs the information, the wisdom, and the power to apportion just patronage wherever circumstances may require.

5. *Resolved*, That the Constitution of the United States, now contains within itself, an ample provision for its amendment, and for the remedy of every evil which may arise from unforeseen events, or ambiguous construction. When this provision shall be legally called into operation, we shall be prompt to concede all to justice, much to fraternal feeling, and somewhat even to local excitement and mistaken enthusiasm. But it cannot comport either with dignity or sound policy to yield aught in the face of threatened disunion and an armed resistance to the laws.

6. *Resolved*, That the principles contained in the proclamation, and late message of the President of the United States, meet our entire approbation; and that we will sustain the Chief Magistrate of the Union in the constitutional enforcement of these principles.

7. *Resolved*, That we implore our fellow citizens of South Carolina, allied as they are to us, by all the heart stirring and inspiring recollections of the eventful struggle that made us an independent nation, maturely to ponder over the present crisis in their affairs, and magnanimously to return to more temperate counsels, and a juster sense of that obedience to the general will which constitutes the lasting security, and should be the glory and the ornament of every member of this confederacy. But should our fellow-citizens of South Carolina, contrary to our reasonable expectations, unsheath the sword, it becomes our solemn and imperative duty to declare, that no separate nation ought or can be suffered to intrude into the very centre of our Territory.

8. *Resolved*, That the Governor be requested to transmit a copy of these resolutions to the President of the United States, to each Senator and Representative in Congress, from this State, and to the Governors of the respective States of the Union.

House of Assembly, February 18th, 1833.

These re-engrossed joint resolutions having been three times read in the House of Assembly,

Resolved, That the same do pass.

By order of the House.

JOHN P. JACKSON, *Speaker of Assembly*.

In Council, February 18th, 1833.

These re-engrossed joint resolutions having been three times read in the Council and compared,

Resolved, That the same do pass.

By order of the Council.

ELIAS P. SEELEY, *Vice President*,

I, JAMES D. WESTCOTT, Secretary of the State of New-Jersey, do certify, that the foregoing is a true copy of the joint resolutions of the Legislative Council and General Assembly of the State of New-Jersey, passed February 18th, A. D. one thousand eight hundred and thirty-three, as compared with the original, now remaining on file in my office.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of my said office, at the city of Trenton, in said State, this 18th day of February, A. D. one thousand eight hundred and thirty-three.

JAMES D. WESTCOTT.

DELAWARE.

REPORT of the committee in the Senate of the State of Delaware, on the Ordinance of the State of South Carolina, Nullifying certain Laws of Congress.

EXTRACT FROM THE JOURNAL OF THE SENATE,
Wednesday, January 2, 1833.

"On motion of Mr. Bayard,

"So much of the Governor's message as refers to the communication from the state of South Carolina, was referred to a committee of three members—Whereupon, Messrs. Bayard, Wainright and Rodney were appointed such committee."

The members of the committee, are Messrs. Richard H. Bayard, Thomas Wainright, and Henry F. Rodney.

MR. BAYARD,

From the Committee to whom was referred, so much of the Governor's message, as relates to the Communication from the Governor of the State of South Carolina, made the following Report; January 7, 1833.

The Committee to whom was referred so much of the Governor's message as relates to the communication from the Governor of the State of South Carolina, respectfully submit the following REPORT:

The communication from the Governor of South Carolina is composed of documents ordered by a Convention of the people of that State held in November last, to be transmitted to the Governors of the several States for information of their respective Legislatures. These Documents consist of a Report of a committee of twenty-one to the Convention, on the subject of the several acts of Congress imposing duties for the protection of domestic manufactures, with the Ordinance to Nullify the same, an address to the people of that State, and an address to the people of the United States. Your committee have examined the papers with great care and with that respectful attention which is due to the source from which they emanate, but they cannot disguise their astonishment at the position assumed by the Convention and the arguments by which it is attempted to be sustained. The position taken by the Convention is, that they have a right to suspend the operation of certain acts of Congress within the limits of the State by declaring those acts null and void, on the ground of their supposed unconstitutionality. This extraordinary right is assumed not as a revolutionary measure, but as one that results from the nature of the compact, created by the Constitution, and as in perfect harmony with its principles. It becomes necessary therefore, to settle distinctly, the nature of that instrument, in order to decide the question of this right.

The ground taken by the Convention on this subject is "that the Federal Constitution is a treaty, a confederation, an alliance by which so many sovereign states agree to exercise their sovereign powers conjointly, upon certain objects of external concern, in which they are equally interested." That the Federal Government is the common agency of the sovereign States, and possesses no more inherent sovereignty than an incorporated town, that it is a mere political corporation, "and that it is the *moral obligation* alone which each state has chosen to impose on herself, and not the want of sovereignty" which restrains her from exercising all those powers which have been granted to the Federal Government. And this is declared by the Convention to be the true nature of the compact. The principle with which they set out, and upon which the whole doctrine is built, is thus laid down in the address to the people of the State—page 4. "The Constitution of the United States, as is admitted by cotemporaneous writers, is a compact between sovereign states." This is the corner stone of the whole system of Nullification. For if it be true that the Constitution is a mere treaty or compact between sovereign states, which now possess all the sovereignty they ever had, and among whom there can be no common arbiter, the rest of the doctrine follows as a matter of course. The question then arises, is this proposition true? Your committee conceive that it is false in both its branches. It is neither a compact between sovereign states, nor is so admitted to be, by cotemporaneous writers, at least of any credit.

The first and most natural source to look to, for the settlement of this question, is the instrument itself. Since it is apparent that it would be utterly useless to reduce an agreement or compact to writing, that it would be useless to establish a written constitution for any government or any people, if the crude notions and wild conceits of any individual may be substituted for the terms of the instrument. This is more particularly true with regard to such an instrument as the Constitution of the United States, which was the work in the first instance of a general convention from the different States, and was afterwards submitted to the conventions of the people in each of the States. So that not a word or letter, and certainly not a single *principle* contained in it can be supposed to have escaped the severest scrutiny, and the whole must therefore have the highest sanction.

Upon opening that instrument, the first *principle* which presents itself is, that it purports to be the act of the American people.—It is not stated to be a compact between New-Hampshire, Massachusetts, Rhode Island, and the other ten sovereign states, and which would have been the appropriate, and indeed the only preamble if the idea intended to be conveyed was, that of a compact or treaty between those sovereign states; but on the contrary, it is declared to be the act of the American people. The language is,

"We the people of the United States do ordain and establish this constitution for the United States of America." The principle here established is, that the government created by that constitution is the act of the people of the United States, and not the act of the States, as sovereignties. As this principle lies at the foundation of the whole system, it is impossible that it should have escaped the attention of the General Convention, and of the thirteen state conventions which passed upon it. They could not have been ignorant of, or inattentive to, the difference of the two principles involved in the question, whether the instrument to which they assented, was a constitution of government to be established by the people, or a treaty or compact between thirteen sovereign states. To suppose them ignorant, is to suppose them incompetent to their task, and to suppose them inattentive, is to suppose them culpably negligent of their duty. But we will show that they were neither the one or the other.

The very first question, as might naturally be supposed, that presented itself to the General Convention was, whether the constitution they were about to form should be a *compact among the states* or the *act of the people*. The particular business of the convention was opened by Governor Randolph, who submitted to their consideration, on the 29th May, 1787, various resolutions, with a view to settle the principles on which they were to proceed. The first of those resolutions was in these words—"Resolved that the *articles of confederation* ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defence, security of liberty and general welfare." *Elliot's Debates*, vol. 4, p. 41. Now, it must be recollected, that the articles of Confederation were in point of fact, and in terms, a compact between the different States as sovereignties. The instrument itself purports to be such, and is described in the preamble as "Articles of Confederation and perpetual union between the states of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations," &c. As governor Randolph's proposition was merely to *correct* and *enlarge* those articles, if it had been adopted, the *nature* of the compact would have been the same, and it would have continued to stand on the footing of an agreement among the states as sovereignties. The very point now at issue was therefore brought at once, and directly before the Convention. On the same day the convention resolved to go into committee of the whole, on the state of the Union, and the propositions of governor Randolph were referred to that committee. On the following day, May 30th, these resolutions were taken up for consideration, and the particular one in question being the first in order, was, on his own motion, postponed; and another offered likewise by him, was, after debate, adopted as a substitute in the following words: "Resolved that a National Government ought to be established

consisting of a Supreme Legislative, Judiciary, and Executive."—On this question, six states, namely, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina voted in the affirmative; Connecticut voted in the negative, and New York was divided.—*Elliott's Debates*, vol. 4. p. 49. Mr. Yates, a member of the convention from New-York, who was opposed to the present constitution, and afterwards withdrew from the convention because he thought they were exceeding their powers, kept minutes of the debates while he was there, which are published in the 4th vol. of Elliott's debates, and has thus thrown much light on the questions that were agitated; and may be considered for that purpose, as of the highest authority. In his minutes of the debate on that day he observes, "this last resolve had its difficulties, the term *supreme* required explanation. It was asked whether it was intended to annihilate the State Governments? It was answered only so far as the powers intended to be granted to the new government should clash with the states, when the latter should yield."—*Yates' Minutes*, p. 50. It was thus decided that the *articles of confederation* should be laid aside and the *principle* of a compact among the States as sovereignties abandoned. Accordingly we find that on the 6th June following, when the fourth resolution offered by governor Randolph, was under consideration, which provided that the members of the first branch of the national Legislature should be elected by the people, a motion having been made to strike out the word "people" and substitute the word "Legislatures," of the several States, the motion was lost by a vote of eight states to three. In the debate on that point Mr. Madison is reported by Mr. Yates, to have observed "that when we agreed to the first resolve of having a national government, consisting of a Supreme Executive, Judicial and Legislative power, it was then intended to operate to the exclusion of a *Federal Government*, and the more extensive we made the basis, the greater probability of duration, happiness and order."—*Yates' Minutes*, p. 63.

The first resolution was afterwards modified so as to read thus: "Resolved that the government of the United States ought to consist of a Supreme Legislative, Judiciary, and Executive." The reason for which is stated by Mr. Luther Martin, one of the delegates from Maryland, and a most determined opponent of the proposed system at the time, to have been that they were afraid that the word national might tend to *alarm*.—*Yates' Minutes*, p. 22.

The principle was thus, therefore, clearly established and remained unchanged, that the new government was not to be placed on the footing of a compact among the states as sovereigns; but was to emanate from the people and be established by their authority. On the twenty-third of July the resolution thus modified, was, together with the others which had been elaborated in the debate that had been carried on in the committee of the whole, referred

to a committee of five for the purpose of reporting a constitution.— It is evident that the committee appointed for that purpose, were bound, in drafting the instrument, to preserve the *fundamental principle*. Accordingly, on the 6th of August, the committee reported the draught of a constitution, the preamble to which began in these words: "We the *people* of the states of New Hampshire, Massachusetts, &c. do ordain and establish the following constitution for the government of *ourselves* and *our posterity*."—*Elliott's Debates*, vol. 4, p. 116. The principle was here distinctly set forth, but as it might have afforded some room for cavil, and it was determined that there should not be a loop to hang a doubt upon, the phraseology was changed, and that of the present constitution adopted, "We the people of the United States," &c. If it is possible for human language or for human conduct to express the intentions of the mind, nothing can be clearer than the intention of the General Convention on this point. If regard then be had to the instrument itself, it is, and it purports to be, a constitution of government established by the people of the United States. For this purpose it was not at all necessary that *they* should be assembled in *one body*, in *one place*, or by *one authority*. It was sufficient for them to assemble in their *respective* states, at their *usual places* of election, and under the *usual authority*. When once assembled and they proceed to ratify the instrument, it became to all intents and purposes their act. Nor does it at all affect the question that it was provided, that the ratification of a certain number of the states should be necessary for its establishment. That was a mere condition which amounted to no more than a declaration, that the experiment was not worth the trial, unless such a portion of the people should concur. So far as this particular subject is concerned, the term states is a mere description of the people by classes, and is of no more moment in the argument than if the provision had been, that it should not take effect unless ratified by two millions of people, or by two hundred and forty counties, or one hundred districts. The provision was a condition precedent which ceased to be of importance the moment it was fulfilled.

The tenth amendment of the constitution which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people," illustrates and confirms the view here taken of the character of the instrument and the source of its authority. But if in addition to this, the form of government be considered which deprives the states of almost all the essential rights of sovereignty, and makes them amenable to the tribunals of the United States' government, whose decisions are conclusive in relation to all controversies arising under the constitution and the laws of the United States, it becomes a matter of surprise that any doubt should have been expressed on the subject.

It thus appears that the constitution is not a treaty or compact between sovereign states, and it remains to show that such was the opinion of cotemporaneous writers. Reference has already been made to the work of Mr. Yates who was a member of the convention from New York, and whose minutes of the debates are of the highest degree of authenticity, and which in the passage already cited, as well as in others, confirms the position taken by your committee. In the debate on the 29th June, the first clause of the seventh proposition being under consideration, which respected the suffrage of each state in the first branch of the legislature, Mr. Madison who is so much relied upon by the Carolina Convention as an authority, in the celebrated resolutions of 1798, expressed himself as follows, as reported by Mr. Yates: "Some gentlemen are afraid that the plan is not sufficiently national, while others apprehend that it is too much so. If this point of representation was once well fixed, we would come nearer to one another in sentiment.— The necessity would then be discovered of circumscribing more effectually the state governments, and enlarging the bounds of the general government. Some contend that *states are sovereign*, when in fact, they are only *political societies*. There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The *states* never possessed the *essential rights of sovereignty*. These were always vested in Congress. Their voting as states in Congress, is no evidence of sovereignty. The state of Maryland voted by counties—did this make the counties sovereign? The *states* at present are only *great corporations* having the power of making *by-laws*, and these are *effectual only* if they are not *contradictory* to the general confederation. The states ought to be placed under the control of the general government. If the *power is not immediately derived from the people, in proportion to their numbers*, we may make a paper confederacy, but that will be all. We know the *effects* of the *old confederation*, and without a general government this will be like the former." *Yates' Minutes, page 114.*

In the debate on the 5th June, the last or 15th proposition of governor Randolph, being under consideration, which provided that the work of the convention should be submitted to assemblies of representatives to be chosen by the people expressly for that purpose. Mr. Yates reports that, "Mr. Madison endeavoured to enforce the necessity of this resolve, because the *new national constitution* ought to have the *highest source* of authority, at least, paramount to the powers of the respective constitutions of the states; points out the *mischiefs* that had arisen in the *old confederation*, which depends upon no higher authority than the confirmation of an ordinary act of a legislature."—*Yates' Minutes, page 62.*

Mr. Luther Martin, who was a delegate from the State of Maryland in the General Convention, and violently opposed to the new system at the time, in his report to the legislature of Maryland,

on the subject of the proceedings of the Convention, thus details the arguments used by himself and his friends: "It was urged that the government we were forming was not in reality a *federal*, but a *national* government, not founded on the principles of the preservation, but the abolition or consolidation of all *state governments*. That we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system. That we had not been sent to form a government over the inhabitants of America, considered as individuals, that as individuals they were all subject to their respective state governments, which governments would still remain, though the federal government should be dissolved. That the system of government we were entrusted to prepare was a government over these thirteen states; but that in our proceedings we adopted principles which would be right and proper *only* on the supposition that there were no state governments *at all*, but that all the inhabitants of this extensive continent were in their individual capacity without government, and in a state of nature. That, accordingly, the system proposes the legislature to consist of two branches, the *one* to be drawn from the people at large, immediately in their individual capacity, the *other* to be chosen in a more select manner, as a *check* upon the first. It is in its very introduction, declared to be a *compact* between the *people of the United States as individuals*; and it is to be ratified by the people at large in their capacity as individuals; all which it was said would be quite right and proper, if there were no state governments, if all the people of this continent were in a state of nature and we were forming one national government for them as individuals, and it is nearly the same as was done in most of the States, when they formed their governments over the people who compose them."—*Yales' Minutes*, pages 19, 20. Notwithstanding these arguments the constitution was prepared and adopted on the principles which were thus proposed; and we have here the commentary of one of the ablest lawyers that this country ever produced, who was himself a member of the Convention, and opposed to the system upon that very instrument; and putting it beyond all doubt and controversy, that it was the design of the Convention to abandon the *principle* of a *compact* among the *states as sovereigns* and substitute for it, that of a government established by the people. The same view of the subject is presented in the *Federalist*, a work which was written at the time for the express purpose of explaining and recommending the new constitution, and which was the joint production of three of the ablest men of the day, and has been regarded and relied upon, both in and out of Congress, and even in the courts of justice, as presenting a most able authentic, and correct exposition of its principles. The conclusion of the twenty-second number in which some of the evils of the old confederation are pointed out is as follows: "It has not a

little contributed to the infirmities of the existing federal system, that it never had a ratification by the *people*. Resting on no better foundation than the consent of the several legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers; and has in some instances given birth to the enormous doctrine of the right of Legislative repeal. Owing its ratification to the law of a State, it has been contended that the same authority might repeal the law by which it was ratified. However gross a heresy it may be, to maintain that a *party* to a *compact* has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature, proves the necessity of laying the *foundations* of our *national government* deeper than in the mere sanction of delegated authority. The *fabric of American empire* ought to rest on the solid basis of the *consent of the people*. The streams of *national power* ought to flow immediately from that *pure original fountain* of all legitimate authority."

It is unnecessary to multiply quotations. The question is not under what name the government established by the constitution would be classed by political writers; whether it would be called a federal government or a national government, or a compound of the two; but simply from whom does it derive its powers? whether from the states as sovereigns, or from the *people*? It thus appears from the constitution itself, from the journal of the Convention, from the debates on its proceedings, from the reports of its enemies, and from the arguments of its friends, that the *principle* on which it was founded was, that it was to be a *government emanating from, and established by the people*. If any thing more were wanting to make assurance doubly sure, the ratification by the state of Virginia, where more opposition was experienced than in any other state, and more debate was had on the subject, the solemn act of ratification by that state recognizes the fact in so many words. It is as follows:

"We the delegates of the people of Virginia, &c. do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution *being derived from the people of the United States*; may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, and at their will, &c."—*Elliott's Debates*, vol. 4. p. 215.

It is thus established beyond a doubt, whether we regard the instrument itself or its cotemporaneous history, that the Constitution is a *form of government* established by the *people*, and not a *compact* or *treaty* among the *states*. If this be true, then the whole system of nullification topples into ruin.

The principle on which that system is built, is, that the constitution is a *treaty* between sovereign states and the general government—an *agency* for them. The moment this foundation is destroy-

ed, the whole system of reasoning fails with it. If the general government be one, established by the people of the United States, then they owe it allegiance, and may be guilty of treason towards it. Its laws are supreme, and no portion of the people can abrogate them. The state governments are component but subordinate parts of the system. They are as necessary and useful in their sphere as the general government, but that portion of the people of the United States who constitute a particular state, can have no more right to nullify or suspend a law of the United States than a smaller portion of them, as a county of a particular state, or than any individual; in other words, the union of any number, whether great or small, can give no greater or other right than that which belongs to each individual, as a constitutional measure. It is to be recollected that the ground taken by the nullification party, is, that nullification is a right consistent with the constitution and peaceable in its nature. In order to sustain that position, it was essential to show that the constitution is a treaty between sovereign states, and that in such case there could be no common arbiter, but that each was entitled to construe the instrument for itself, and was bound only by *moral obligation* to observe its stipulations, and was therefore the judge of their infraction, and of the measure and mode of redress. But so far from this being true, it has been shown that the constitution is a form of government established by the people of the United States; and having provided a tribunal for the settlement of all controversies arising under its provisions, or the laws of the United States, it necessarily follows that no other mode of decision can be resorted to as consonant with its principles.

If the ground had been taken, that it was a revolutionary measure, and justified on the great principle of self preservation, it would have had the merit of being intelligible; and if true, would have enlisted the sympathies of other states, and indeed, of other nations. In such a case it would be an appeal to arms, and the legal consequences of such a step would have to be met. The case would then be one of an insurrection of a portion of the people against the government, in consequence of alleged oppression. But it was clearly seen, that the real state of the case would not justify such a measure. It was clearly seen, that neither the rest of the people of the United States, nor any portion of the world, could be made to believe that in the midst of so general happiness and prosperity, in a time of profound peace, with an overflowing treasury, and under such a government as that of the United States, such a case of oppression could be made out, as would justify rebellion. It was therefore necessary to resort to this doctrine of nullification for the purpose of disguising the real nature of the measure, and to give to a contemplated resistance the air of constitutional right. The act of nullification is, itself, a nullity, and the consequences are treason.

The state governments, it is true, are sovereign for some purposes; but have, by the Constitution of the United States, been stripped of most of the essential attributes of sovereignty—such as the rights to declare war, make peace, enter into treaties and alliances, coin money, &c. It is a matter of no sort of importance, which instrument happened to precede the other in point of time, whether the Constitution of the State, or the Constitution of the United States. The latter instrument having been declared the supreme law, and being the work of the same people, necessarily controls and abridges any sovereign power vested in the state governments under the state constitutions. It is needless to pursue the subject further; it is apparent that the state of South Carolina has no such right as she claims under the Constitution. And if she can justify the measure at all, it must be on the ground of intolerable oppression and the unconstitutionality of the acts complained of; but, on this ground, the rights of her whole body of citizens, or any portion of them, are no other, and no greater, than those of the humblest individuals in the community; but they cannot trammel up the consequences. Their political organization as a state, may furnish readier means of resistance and greater probabilities of success, but the consequences are the same. They cannot sanctify or legalize resistance, and the predicament in which the individual may stand if mistaken in his judgment, is that of a traitor to his country.

The view here taken of the origin of the government and the nature of the constitution, is confirmed by the solemn decisions of that great tribunal which has been created by that instrument, and which is the sole and proper one for the settlement of all controversies arising under it. The language of the supreme court, as delivered by Chief Justice Marshall, in the case of *McCullough* against the state of Maryland, is as follows: "In discussing this question, the counsel for the state of Maryland have deemed it of some importance in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent states. The powers of the general government, it has been said, are delegated by the states who alone are truly sovereign; and must be exercised in subordination to the states, who alone possess supreme dominion. It would be difficult to sustain this proposition. The convention which framed the constitution was indeed elected by the state legislatures. But the instrument when it came from their hands, was a mere proposal, without obligations or pretensions to it. It was reported to the then existing Congress of the United States with a request, that it might be submitted to a convention of delegates chosen in each state, by the people thereof, under the recommendation of its legislature for their assent and ratification.' This mode of proceeding was adopted; and by the convention, by Congress,

and by the state legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectually, and wisely on such a subject, by assembling in convention. It is true they assembled in their several states—and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the states, and of compounding the American people into one common mass. Of consequence when they act, they act in their states. But the measures they adopt do not on that account cease to be the measures of the people themselves, or become the measures of the state governments. From these conventions the constitution derives its whole authority. The *government proceeds* directly from the *people*, is 'ordained and established' in the name of the people; and is declared to be ordained in order to form a more perfect union, establish justice, ensure domestic tranquility and secure the blessings of liberty to themselves and to their posterity."—*Wheaton Rep. vol. 4, p. 403.*

The same principles are recognized as being true in the late admirable proclamation of the President of the United States.

As to the doctrine of Nullification, your committee would scarcely have considered it worth the trouble of discussion, but for the grave sanction that has thus been given to it by the convention of South Carolina. They would have treated it as one of those conceits which might have formed the subject of debate in a Moot Court of a law school, but would never have conceived it possible that it could enter into the business realities of life.

Under the view which has been taken of the subject, it is scarcely necessary to enquire into the grounds of complaint, since they are not deemed strong enough even on the part of the convention to warrant a revolutionary measure, or in other words, rebellion; and the particular subject of attention under the communication is the attitude assumed by the state on the ground of her sovereign power.

But your committee cannot forbear from expressing the opinion that their views of political economy are as erroneous as their constitutional principles. They conceive that it would be no difficult matter to show that the distress of South Carolina may be imputed to very different causes than those assigned, and might be traced with much more semblance of reason, among other causes, to the increased production of their principal staple, both here and in other parts of the world; but your committee refrain from touching further on this subject. They cannot perceive that the people of South Carolina have any *constitutional* cause of complaint. If there is distress among them it is a matter in which we deeply sympathise. But if in the due administration of the General Government, any measure has borne adversely upon them, we know of but

one remedy under the constitution and the laws, and that is in the exercise of the elective franchise.

Your committee abstain from the expression of any hopes or wishes on the subject, they lament the delusion under which they believe a portion of the people of that state labour. But they are free to say, that as the people of this state were the first to adopt the present government, they will be the last to abandon it; and that whenever and wherever the exigency may arise they will be found on the side of the Constitution and the Country.

Your committee therefore report the following

RESOLUTIONS.

WHEREAS a Convention of the people of the State of South Carolina has undertaken by an Ordinance passed in November last, to declare, certain acts of Congress for imposing duties and imposts on the importation of foreign commodities, null and void and not binding on the States, its officers and citizens; and has prohibited the enforcement of those laws within the limits of that State, and has also prohibited any appeal from the decisions of the State Courts, wherein the authority of the ordinance shall be drawn in question, to the United States' Courts: And whereas, this measure has been communicated by order of the Convention to the governor of this State, for the purpose of being laid before the Legislature, and it is expedient that the sense of the people of this State should be expressed in relation thereto—Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Constitution of the United States is not a treaty or compact between sovereign States, but a form of government emanating from, and established by, the authority of the people of the United States of America.

Resolved, That the Government of the United States, although one of limited powers, is Supreme within its sphere, and that the people of the United States owe to it an allegiance which cannot be withdrawn, either by individuals or masses of individuals, without its consent.

Resolved, That the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies in relation to the Constitution and the laws of Congress.

Resolved, That if in the regular action of the Government, mischief of any kind be produced, the proper remedy is to be found in the elective franchise, and the responsibility of its officers.

Resolved, That in cases of gross and intolerable oppression, which in a government like that of the United States, can be little else than a hypothesis, the natural right of self defence remains;

but which must in the nature of things, be an appeal to arms, and subject to all the consequences of resistance to the constituted authorities. In such a case the measure is revolutionary, and the result remains in the hands of the Almighty.

Resolved, That the Convention of South Carolina can have no other or greater right to annul or resist the laws of Congress, than any assemblage of an equal number of individuals in any part of the United States; nor can any assemblage, however large, have any other or greater right, for such a purpose, than belongs to each individual citizen, considered as a constitutional measure.

Resolved, That it is a subject of regret, that such a delusion should exist among any portion of the citizens of that state, towards whom the people of this state, entertain the kindest feelings, with whom they stood side by side in the war of the revolution, and in whose defence their blood was freely spilt. But if the measure which has been adopted is intended as the precursor of resistance to the government, the people of Delaware will not flatter in their allegiance, but will be found now as then, true to their country and its government.

Resolved, That we cordially respond to the sentiments on this subject contained in the able proclamation of the President of the United States, and shall be at all times prepared to support the Government in the exercise of its constitutional rights, and in the discharge of its constitutional duties.

Resolved, That the Governor be requested to transmit a copy of these Resolutions and the accompanying Report of the committee to the President of the United States, to each of our Senators and our Representatives in Congress, and to the Governors of the respective States and Territories of the United States of America.

JOSHUA BURTON,

Speaker of the Senate.

THOMAS DAVIS,

Speaker of the House of Representatives.

Passed at Dover, January 16th, 1833.

WHEREAS, certain Resolutions, passed in December last, by both branches of the Legislature of South Carolina, declaring "that it is expedient that a Convention of the States be called as early as practicable, to consider and determine such questions of disputed power, as have arisen between the States of this Confederacy and the General Government"—have been transmitted by the Executive of that State to the Governor of this, and by him laid before the General Assembly for an expression of its sentiments:—Therefore,

Resolved, by the Senate and House of Representatives of the

state of Delaware, in General Assembly met, that the Constitution of the United States of America, which is a form of government established by the people of the United States of America, has expressly provided a tribunal in the Supreme Court of the United States, for the settlement of all controversies between the United States and the respective States, and of all controversies arising under that instrument itself.

Resolved, That the Constitution of the United States of America, does not recognize any such tribunal or political assemblage as a Convention of the States; but has expressly provided for modes of amendment, if amendment be necessary, in the fifth Article—as follows: “The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.” Any other mode must therefore be repugnant to its provisions.

Resolved, That such a Convention to propose amendments, when called by Congress, must be, in the nature of things, a Convention of the people from whom the Constitution derived its authority, and by whom alone it can be altered, and not a Convention of the States.

Resolved, That no such political assemblage as a Convention of the States, could take place as a constitutional organ of government; and that, if assembled, it could have no such power as that set forth by the Resolutions of South Carolina, “to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government.”

Resolved, That it is not expedient for Congress to call “a Convention for proposing amendments” at this time. But that if any amendments be necessary, it comports with the views of the General Assembly of this State, that they should be proposed in the other mode provided by the Constitution—“by two thirds of both Houses of Congress.”

Resolved, That the governor be requested to transmit copies of these resolutions, to the Governors of the several states, with a request that they may be laid before the Legislatures of the respective States; and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

JOSHUA BURTON,

Speaker of the Senate.

THOMAS DAVIS,

Speaker of the House of Representatives.

Passed at Dover, January 25, 1833.

OHIO.

Preamble and Resolutions on the subject of the South Carolina Ordinance.

WHEREAS, His Excellency the Governor, has transmitted to this General Assembly, the Ordinance of the late Convention of the people of South Carolina, together with the proceeding of that body, whose object appears to be, a resistance to the collection of duties, imposts, &c. upon foreign commodities, imported into that State, by nullifying the acts of Congress, providing for the levying and collecting such duties.—And this General Assembly cannot but view, with the deepest regret the avowed determination of a majority of the citizens of the State of South Carolina, to resist the operation of the laws of the General Government, in the manner pointed out by the Ordinance adopted by their late convention; and we have no doubt that such a course, if persisted in, must inevitably lead to consequences the most disastrous, and ruinous to the peace, prosperity and happiness of our common country.

Being connected, as we are, with our brethren of South Carolina by the strongest ties of consanguinity, and endeared by the mutual reciprocity of friendly intercourse and national attachment, and being sensible of the importance of our connection as States belonging to the same Federal Union; we cannot but deprecate every effort or measure which is calculated, in the remotest degree to operate to the severance of any of those ties, or render doubtful the permanent existence of our Confederacy. And entertaining as we do the most implicit confidence in the wisdom, justice and integrity of the General Government, we are well persuaded that no partial evil would be permitted to exist in any particular section of the Union, should it not be apparent that such evil was fully overbalanced by a general benefit afforded, by the same policy out of which that evil was found to spring up. Such evils if such exist, we should endeavor to remedy in a spirit of moderation and good faith; to the end that the unparalleled prosperity of the whole Union, unequalled as it is, in the history of civilized man, may not interecepted, or paralyzed in any of its parts.

Believing that the prosperity and independence of this Republic mainly depend upon the general peace and harmony which ought to exist among the several states, and that *all* should ever keep in view the adopted maxim "united we stand, divided we fall;" we feel it a duty, therefore, as American citizens to cling with pertinacity to the Constitution of the United States, and to the preservation of the Union of the States. We cannot, therefore, view with indifference, much less can we lend our aid to any measure which is calculated to disturb the integrity of that Union.

Resolved, therefore, by the General Assembly of the State of Ohio, that we view with the deepest regret the unhappy movements, and apparent determination of the late Convention of the people of South Carolina, to nullify the laws of the General Government, made in conformity to the Constitution of the United States.

Resolved, that the Federal Union exists in a solemn compact entered into by the voluntary consent of the people of the United States, and of each and every State, and that therefore no State can claim the right to secede from, or violate that compact, and however grievous may be the supposed or real burthens of a State, the only legitimate remedy is in the wise and faithful exercise of the elective franchise, and the solemn responsibility of the public agents.

Resolved, that the doctrine, that a State has the power to nullify a law of the General Government, is revolutionary in its character, and is in its nature calculated to overthrow the great Temple of American Liberty;—Such a course cannot absolve that allegiance which the people of this Union, owe to the supremacy of the laws.

Resolved, that in levying and collecting duties, imposts and excises, whilst the general good should be the primary object; a special regard ought to be had to the end, that the interest and prosperity of every section of the country should be equally consulted and its burthens proportionably distributed.

Resolved, that the first object of the American people, should be, to cherish the most ardent attachment to the Constitution and Laws of this Union; and as a paramount object of a free people, we should use every honorable means to preserve the honor and integrity of the Union.

Resolved, that the Governor be requested to transmit copies of [the] foregoing preamble and resolutions to the President of the United States, and to the Executives of the several states.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEE R. MILLER,

Speaker of the Senate.

February 25th, 1833.

Resolution in relation to a call of a Convention to amend the Constitution of the United States.

Resolved, by the General Assembly of the State of Ohio, That in the opinion of this General Assembly it is inexpedient at the present time to apply to the Congress of the United States, for a call of a Convention of the people to amend the Constitution of the United States, or to call a Convention of the States to consider and de-

fine questions of disputed powers which may have arisen between any State of this Confederacy and the General Government.

Resolved further, That his excellency, the Governor, be, and he is hereby requested to transmit copies of the foregoing resolution to each of the Executives of the several States of this Union for the consideration of the Legislatures thereof.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEL R. MILLER,

Speaker of the Senate.

February 25th, 1833.

Resolution relating to the President's Proclamation and Message.

Resolved by the General Assembly of the State of Ohio, That this Legislature do cordially approve of the exposition of the principles of the Constitution of the United States, touching the pernicious doctrines of nullification and secession set forth in the proclamation of the President of the United States, of the tenth of December last, and in his late message to Congress, and that this Legislature do also feel the strongest assurance that the principles contained in that exposition will be firmly sustained by the people of Ohio.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to the President of the United States, to the Executive of each of the United States, and to each of our Senators and Representatives in Congress.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEL R. MILLER,

Speaker of the Senate.

February 25, 1833,

SECRETARY OF STATE'S OFFICE,

Columbus, Ohio, Feb. 26th, 1833. }

I HEREBY CERTIFY, That the foregoing RESOLUTIONS are true copies of the original rolls now on file in this Office.

MOSES H. KIRBY,

Secretary of State.

STATE OF ALABAMA.

EXECUTIVE DEPARTMENT, }
Tuscaloosa, Ala., February 28, 1833. }

SIR:

I have the honor to transmit to you the annexed Resolutions and recommendations, with the request that your excellency will submit them to the Legislature of Kentucky.

With high consideration,

I have the honor to be your ob't. serv't.

JOHN GAYLE.

REPORT of the select committee of the House of Representatives, to whom was referred so much of the message of the Governor, as relates to the Tariff, to the principle of protection, and to the doctrine of Nullification.

The select committee to whom was referred so much of the message of the Governor, as relates to the tariff, to the principle of protection, and to the doctrine of nullification, have had the same under consideration, and have instructed me to report a preamble and resolutions, which they respectfully submit to the house for its adoption.

Your committee, deeply impressed with the present alarming crisis in our history, have given to the subject that profound consideration, which its paramount importance so justly demands.

So much has been said and written on the subjects submitted to them, that they may be said to be exhausted, and they will therefore submit a very few remarks prefatory to the resolutions, which they recommend to the adoption of the house.

In a country of such vast extent as the United States, embracing such a variety of soil, climate and products, and inhabited by a people, whose pursuits are as various as the climate under which they live; any attempt on the part of the government to force manufactures into existence, by governmental bounties, must of necessity operate unequally, and therefore be unjust.

If it be a truth, not now to be questioned, that no government can justly take from one portion of its citizens a part of their property, to benefit another, it is more especially unjust in a country like ours, composed of different states, who are united in one common bond, only for the purpose of providing for the common defence, of promoting the general welfare and securing the blessings of liberty to themselves and posterity. For these purposes this union was formed, and it cannot be supposed, that those who consented to it, intended by implication and construction to confer on the general government powers destructive to their happiness and best interests. Laws having their operation, and professing to derive

their authority from the constitution under which we live, being opposed to the true interests of every section of the republic, and unjust in their operation on the Southern States, even if sustained by the letter of the constitution, are contrary to its spirit and at war with the general scope and tenor of that instrument.

It cannot be believed, that if the framers of the constitution had assigned the exercise of such a power, as the right to create and protect domestic manufactures, by a system of high duties, that it would have been left to inference or implication; its framers therefore could not have intended that such a power should be exercised. This reasoning is founded on, and these results drawn from, the instrument itself; but in addition thereto, contemporaneous history informs us that in the convention which framed the constitution it was proposed in various modes to give that power to congress, and refused.

It is the exercise of this power, which a large majority of the South believe to be against the spirit of the constitution, and no inconsiderable number, contrary to its express letter, which has driven them to consider their government as foreign to their interests and alien to their feelings. Instead of looking up to it with pride and veneration, as the world's last hope, and as the favorite resort of freedom, no inconsiderable portion of the south have begun to estimate its value; and to contemplate even disunion itself, as an evil less formidable than submission to the exactions of the government.

And now at this fearful crisis when one of our co-states has assumed the alarming attitude of declaring an act of Congress void within her limits, and the note of preparation is sounded to sustain this attitude by force, what shall Alabama do? Our answer is, never despair of our country. We believe that there is a vital energy, a living principle inherent in our institutions, and a sense of justice residing in the bosoms of our fellow-citizens, which, when properly appealed to, must succeed. We concede that our northern brethren believe that they are acting within the pale of the constitution; but can it be believed that they will, by insisting on the obnoxious duties, peril the union of these states, and make shipwreck of the last hope of mankind? Can any pecuniary benefit compensate for results like these? If blood be shed in this unhallowed contest, a wound will be inflicted, which may never be healed, to confidence will succeed distrust, mutual recriminations, and mutual injuries, and the choicest blessings of Heaven, by the madness and folly of man, will be converted into the most deadly poison.

Deeply impressed with these views, we recommend the adoption of the following resolutions, which we are satisfied embody the opinions of our constituents, and in their name propose to our co-States a federal Convention.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That we consider the present tariff of duties, unequal, unjust, oppressive, and against the spirit, true intent and meaning of the Constitution; that if persevered in, its inevitable tendency will be to alienate the affections of the people of the Southern States from the general government.

And be it further resolved, That we do not consider the tariff of 1832, as fastening upon the country the principle of protection, but that we receive it as the harbinger of better times, as a pledge that Congress will, at no distant period, abandon the principle of protection altogether, and reduce the duties on imports to the actual wants of the government, levying those duties on such articles as will operate most equally on all sections of the Union.

And be it further resolved, That nullification, which some of our Southern brethren recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice, that as a remedy it is unconstitutional and essentially revolutionary, leading in its consequences to anarchy and civil discord, and finally to the dissolution of the Union.

And be it further resolved, That we earnestly entreat the people of this State, not to distrust the justice of the general government, and to rest satisfied, though long delayed, it will certainly be accorded to them. And above all things, to avoid those dangerous and unconstitutional remedies proposed for their imitation and adoption, no matter how specious their exterior, which may lead to bloodshed and disunion, and will certainly end in anarchy and civil discord. And at the same time, we would most solemnly adjure the Congress of the United States, in the name of our common country, to abandon the exercise of those dubious and constructive powers, claimed under the constitution, the assertion of which has produced jealousy, excitement and dissatisfaction to the government, and if persevered in, will, in all human probability, dissolve this union. By this means, and by this alone, can we be prevented from fulfilling our high destinies, and our onward march to greatness be arrested.

And be it further resolved, That as we have now for the first time in the history of our country, presented to us the appalling spectacle of one of the States of this Union arraying herself against the general government, and declaring sundry acts of Congress void and of no effect within her limits; presenting to Congress the alternative of repealing the obnoxious laws, or permitting her secession from the Union, and preparing by an armed force to sustain the position she has assumed, and as we cannot silently look on and witness the failure of the high raised hopes and just expectations of those patriots who cemented our liberty with their blood: Therefore, as a last resort, we recommend to our co-States the calling of a Federal Convention, to meet in the city of Washington,

on the 1st of March, 1834, or at such other time and place as may be agreed on, which shall be authorised to devise and recommend such plan, which will satisfy the discontents of the South, either by an explicit denial of the right of Congress to protect domestic industry by duties on imports laid for protection, or by defining and restricting the power aforesaid, within certain prescribed limits, and making such other amendments and alterations in the constitution, as time and experience have discovered to be necessary.

Resolved, That the Governor be desired to transmit a copy of the foregoing resolutions to the President of the United States, and to the Executive of each of the States, with a request that the same may be communicated to the Legislature thereof.

Resolved further, That the Governor furnish a copy of said resolutions to each of the Senators and Representatives of this State, in the Congress of the United States. Approved, Jan. 12, 1833.

Recommendations of the General Assembly of the State of Alabama to the President of the United States, to the State of South Carolina, and to the different States.

The General Assembly of the State of Alabama have received and considered with absorbing interest, the late Ordinance of South Carolina, with the address of the co-States accompanying the same, together with the Proclamation of the President of the United States, consequent thereon. The attitude assumed by the State of South Carolina and the Government of the United States through its Chief Magistrate, forebodes a crisis which threatens the peace of society and the harmony of the Union, and which should be deplored by every one who loves his country and liberty. The existence of our constitution and the integrity of the union, require the instant exertion of that patriotism, forbearance and virtue, which have hitherto characterised the history of our government. Omitting, on this occasion, to enter into the causes which have produced the present afflicting posture between one State and Federal Government; this General Assembly now affectionately and solemnly appeals to the Congress of the United States, and to the State of South Carolina, for that forbearance, patriotism and virtue, which alone can restore, by mutual sacrifice of opinion, harmony, peace and prosperity to our common country. The only bonds of our union, and the sole preservatives of rational and constitutional liberty, are a strict adherence on the part of the constituted authorities, to the principles of our government—the affection of the people for that government, and a firm persuasion of the equality and justice of the administration, aided by a spirit of forbearance on the part of those States who may depend upon the opinion of the majority.

To this end the General Assembly of Alabama recommend to the Congress of the United States, a speedy modification of the tariff laws, in such manner as to equalise their burthens, and cause only so much revenue to be collected as will be necessary to pay the expenses of the Government in its constitutional and economical administration. This Assembly further recommends to the Congress of the United States, as she had already done to her co-States, the call of a Federal convention, to propose such amendments to our Federal Constitution as may seem necessary and proper, to restrain the Congress of the United States from exerting the taxing power, for the substantive protection of domestic manufactures. This Assembly further earnestly recommends to the State of South Carolina, to suspend the operation of her late ordinance, that the unfortunate collision of powers between the State and the government of the United States, may be amicably adjusted in such manner as not to impair the rights and powers granted to the general government, or retained and reserved to the States, or the people by the Constitution. This General Assembly further urgently recommends to the State of South Carolina, to abstain from the use of military power, in enforcing her Ordinance, or resisting the execution of the revenue laws of the United States. And this General Assembly, with equal earnestness, recommends to the government of the United States, to exercise moderation, and to employ only such means as are peaceful and usual to execute the laws of the Union. The general Assembly of this State further recommends to her co-States, to concur with this State in the foregoing recommendations.

Resolved, That the Executive of this State be requested to transmit copies of the foregoing recommendations, to the Executive authorities of each of the United States, and to the President of the United States, and to our Senators and Representatives in Congress, with instructions to lay the same before the Congress of the United States. Approved, January 12, 1833.

MISSISSIPPI.

EXECUTIVE OFFICE, MISSISSIPPI, }
Jackson, February 6, 1833. }

SIR,

The resolutions which I have the honor herewith to enclose, are forwarded in compliance with a requisition made on me by the Legislature of this State, with a request that your Excellency will

lay them before the Legislature of the State over which you preside.

I have the honor to be, with much respect,

Your Excellency's ob't. serv't.

A. M. SCOTT.

To his Excellency, the

Governor of the State of Kentucky.

The select committee to which was referred "so much of the Governor's Message as relates to the Resolutions from the States of Louisiana, Maine, New-Hampshire, and Pennsylvania, with the accompanying documents," beg leave to report: That they have had them under consideration, and would recommend, in regard to the resolution first named, the adoption of the following Resolutions.

In relation to the Resolutions from the States of Maine, New-Hampshire, and Pennsylvania, and that portion of the Message which points to their consideration, your committee would express the belief that the sentiments of a majority of the people of this State, in regard to the subjects to which they relate, are in accordance with those expressed by the General Assembly in the year 1829, declaring the tariff law of 1828, so far as it contemplated a system of protection, carried beyond the manufacture of such articles as are necessary to the national defence, to be "contrary to the spirit of the Constitution of the United States, impolitic and oppressive in its operation on the Southern States, and should be resisted by all constitutional means." But fearful lest false inferences should be drawn from this expression of public opinion—inferences, calculated to induce a belief that this State is prepared to advocate and uphold the disorganizing doctrines, recently promulgated in South Carolina, your committee deem it their duty to speak plainly, and to undeceive their sister States in this respect.—We are opposed to nullification. We regard it as a heresy, fatal to the existence of the Union. "It is resistance to law by force—it is disunion by force—it is civil war." Your committee are constrained to express the opinion, that the State of South Carolina has acted with a reckless precipitancy, (originating, we would willingly believe, in delusion,) well calculated to detract from her former high character for wisdom in council, purity of patriotism, and a solicitous regard for the preservation of those fundamental principles, on which *alone* rest the peace, the prosperity and permanency of the Union. Your committee deeply deplore the alarming crisis in our national affairs: they regret it the more as proceeding from the unwarrantable attitude assumed by a sister of the South, whose best interests are identified with our own. In the spirit of breth-

ren of the same family, we would invoke them to pause—to harken attentively to the paternal, yet ominous, warning of the Executive of the Union. We would conjure them to await patiently the gradual progress of public opinion; and to rely with patriotic confidence on the ultimate decision of the *talented statesmen* and *pure patriots* in the Congress of the United States. But they would also loudly proclaim, that this State owes a duty to the Union, above all minor considerations. That she prizes that Union less than liberty alone. That we heartily accord in the general political sentiments of the President of the United States, as expressed in his recent proclamation; and that we stand firmly resolved, at whatever sacrifice of feeling, in all events, and at every hazard, to sustain him in enforcing the paramount laws of the land, and preserving the integrity of the Union—that Union, whose value we will never stop to calculate—holding it, as our fathers held it, precious above all price. Your committee would therefore recommend the adoption of the following resolutions:

Be it resolved, by the Legislature of the State of Mississippi, That in the language of the father of his country, we will "indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the ties which link together its various parts."

2. *Resolved, That the doctrine of Nullification is contrary to the letter and spirit of the Constitution, and in direct conflict with the welfare, safety and independence of every State in the Union; and to no one of them would its consequences be more deeply disastrous, more ruinous, than to the State of Mississippi—that State in which are concentrated our dearest interest—around which cling our most tender ties—the fair land of our nativity or adoption—the haven of our hopes, the home of our hearts.*

3. *Resolved, That we will, with heart and hand, sustain the President of the United States, in the full exercise of his legitimate powers, to restore peace and harmony to our distracted country, and to maintain, unsullied and unimpaired, the honor, the independence and integrity of the Union.*

4. *Resolved, That the Governor of the State be, and he is hereby required to transmit a copy of the resolutions, with the preamble, to our Senators and Representatives in Congress, also to the Governors of the different States, with a request that the same may be laid before their respective Legislatures.*

DAVID PEMBLE,

Speaker of the House of Representatives.

CHARLES LYNCH,

President of the Senate.

[B.]

STATE OF KENTUCKY,
AUDITOR'S OFFICE, FRANKFORT, Jan. 2, 1834. }

SIR—You will please lay before the House of Representatives, the accompanying Statements, comprising the Auditor's Report for 1832-3, and the lands forfeited to the state of Kentucky, for the non-payment of taxes due thereon—(the latter reported by special resolution, adopted December session, 1832)

Respectfully, your ob: serv't:

PORTER CLAY, Auditor Pub. Acts.

RICHARD B. NEW, Esq. Speaker of the House of Representatives.

No. 1.

A STATEMENT of moneys received and paid at the Treasury, for the year ending on and including the 10th day of October, 1833, to-wit:
Bank Stock Fund—

Received on lands granted under the acts of 1795, 6, and 1800, (denominated head-rights,)	\$ 345 87	
Ditto under the acts of 1815, 20 and 25, (denominated land-warrants,)	1,617 75	
Ditto under the treaty of Tellico,	5 00	
	<hr/>	1,968 62

Non-residents' Lands—

For tax received on non-residents' lands,	2,091 80
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Purchasers of Non-residents' Lands—

For the redemption of lands sold for taxes,	17 59
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Treasurer Town of Columbus—

For the sale of lots,	2,210 97
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Sale of Land Warrants—

To be laid West of Cumberland river,	276 85	
Ditto East ditto,	12 50	
Ditto on forfeited lands,	50 00	
To confirm titles to forfeited lands,	2 00	
	<hr/>	341 35

Revenue collectable by Clerks, &c.—

From clerks, for taxes received on law process, deeds, seals, &c.,	17,916 36	
Do. Register of the Land Office,	864 50	
	<hr/>	18,780 86

Revenue collectable by Sheriffs—

From Sheriffs for the collection of the Revenue of 1831,	64,758 58
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Lands West of Tennessee River—

For the sale of lands by Edmund Curd, receiver of public moneys, West of Tennessee river in Com'th. paper,	25,506 54	
Ditto in Specie,	4,045 00	
	<hr/>	29,551 54

(Amount forwarded,) \$119,721 31

(Amount brought forward,)	\$119,721 31
<i>Miscellaneous receipts—</i>	
For taxes received for the redemption of residents lands forfeited to the State &c.,	52 17
<i>Bank of the Commonwealth of Kentucky—</i>	
For the nett profits of said institution from the 30th day of November, 1831, to the 30th day of November, 1832—(no report made since said date,)	10,704 72
<i>Bank of Kentucky for Stock—</i>	
For distribution of Stock (in Com'th paper,)	7,956 00
Ditto (in Specie,)*	15,912 00
	<hr/> 23,868 00
Total amount received by the Treasurer from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive,	<hr/> 154,346 20
Of which is in Specie,	19,957 00
Ditto in Commonwealth's paper,	134,389 20
	<hr/> 154,346 20
<i>Commonwealth's paper.</i>	
Warrants reported to have been paid by the Treasurer from the 10th day of October, 1832, to the 10th day of Oc- tober, 1833,	166,646 18
Warrant to Taylorsville Bridge, for 900 dollars, specie, cancelled and paid in Commonwealth's paper, at	1,000 00
Advance, at 5 per cent., allowed on 4,045 dollars, specie, paid by receiver of pub- lic moneys West of Tennessee river, (as per act of Assembly,)	202 25
	<hr/> Total amount paid, 167,848 43
To which add balance due from Government, on the 10th day of October, 1832,	96,359 90
	<hr/> Making the whole debit, 264,208 33
From which deduct amount of receipts as above enumerated,	134,389 20
Also, this amount credited Treasurer, in the Bank of the Commonwealth of Ky. (as per act of Assembly,)	129,819 13
	<hr/> Making the whole credit, \$264,208 33

Specie.

Warrants reported to have been paid from the 10th day of October, 1832, to the 10th day of October, 1833,	\$26,592 71	
Balance due from Government on the 10th day of October, 1832,	51,175 06	
		77,767 77
Making the whole debit,		
From which deduct the amount of receipts as enumerated above,	19,957 00	
Also, the amount of warrant issued, in favor of the Taylorsville Bridge, and cancelled as stated above,	900 00	
Also, amount this day credited in the Bank of the Commonwealth of Kentucky (as per act of Assembly,)	56,910 77	
Making the whole credit,		<u>\$77,767 77</u>

No. 2.

A STATEMENT of warrants drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive; shewing the amount drawn for each source of expenditure; and, also, the amount of warrants paid and unpaid during the same period, viz:

Jailors—

Attendance on courts, furnishing fuel, &c.	2,216 18	
Committing and releasing criminals,	193 87	
Dieting criminals,	4,723 37	
Ironing criminals,	34 91	
		7,168 33

Executive Offices—

Fuel, stationary, &c. furnished the Secretary's Office,	820 92	
Ditto Land Office,	756 00	
Ditto Treasurer's Office,	273 45	
Ditto Auditor's Office,	539 18	
		2,389 55

Public Printer—

For advertising non-residents' lands,	11 00
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Distributing Acts and Journals Dec. Session, 1832—

First District,	105 00	
Second District,	120 00	
		225 00

(Amount forwarded,) \$9,793 88

(Amount brought forward,)

\$9,793 88

Criminal Prosecutions—

Constables conveying criminals to jail,	450 11
Ditto apprehending criminals,	770 00
Ditto summoning witnesses,	234 82
Ditto whipping criminals,	62 57
Guards, for guarding criminals in jail, to jail, and to the penitentiary,	2,160 46
For the attendance of venire-men,	3,192 25
Ditto do witnesses,	2,247 25
Sheriffs summoning venires,	397 50
Ditto do witnesses,	609 84
Ditto apprehending criminals,	602 00
Sheriffs, conveying criminals to jail,	244 62
Ditto do do to penitentiary,	808 50
Ditto executing process for contempt,	44 64
Ditto summoning juries in cases of Idiots,	79 23
Ditto executing criminals condemned to be hung,	10 42
Elisors summoning venires,	28 00
Ditto attending court,	46 00
Coroners attending court,	41 00
Ditto summoning witnesses,	22 32
Ditto apprehending criminals,	46 00
Ditto conveying criminals to jail,	35 78

12,134 31

Public Communications—in Specie.

By the Governor and Secretary,	72 09
Ditto Auditor Public Accounts,	30 91
	103 00

Ditto—in Commonwealth's paper.

By the Quartermaster General,	4 42
Ditto Auditor Public Accounts,	658 03
Ditto Governor and Secretary,	208 58
	871 03

974 03

Contingent Expenses—in Specie.

For rent of Office for Adjutant General,	50 00
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Ditto—in Commonwealth's paper.

Repairing Public Buildings and yard,	516 94
Salary of, and Blanks &c. furnished for, receiver of public moneys West of Tennessee river,	206 00
Blanks for Quartermaster General,	128 22

\$901 16 \$22,902 22

(Amounts forwarded.)

(Amount brought forward,)

\$22,902 22

Contingent Expenses—in Commonwealth's paper—(continued,)

(Amount brought forward,)

\$901 16

To the sergeant of the Court of Appeals and tipstaff, for their attendance on the Court of Appeals and General Court, and for furnishing fuel, &c. for same,	436 16
Cutting and packing wood for Legislature	45 00
Fire buckets for Capitol and Executive Offices,	37 71
Binding Laws &c. of other States for Secretary,	154 23
Repairs of Court of Appeals room,	74 80
Printing proposals, circulars &c.	65 71
Ash house &c. for Capitol,	65 57

in Specie, 50 00

in Commonwealth paper, 1,730 34

1,780 34

Salaries—

Annual salaries of the Judiciary officers,	21,940 42
Ditto Executive officers,	7,713 19

29,653 61

Attorneys—

Annual salaries of the Commonwealth's Attorneys,	5,138 02
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Military Expenditures—

Pay of Brigade Inspectors,	249 65
Storage of public arms,	228 55
Pay of Provost Marshals,	20 00
Repairing and cleaning public arms,	117 49
Pay of Judge Advocates,	6 00

621 69

Lunatics—

For the support of Idiots,	11,949 17
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Decisions of the Court of Appeals—

Balance for Marshall's 4th volume,	1,082 00
Ditto do do 5th do	1,168 00
Ditto do do 6th do	1,042 00
Advance for do 7th do	350 00

3,642 00

Clerks Services—

For Record books furnished the several offices,

1,897 85

\$1,897 85

\$75,687 05

(Amounts forwarded,)

(Amount brought forward,)		\$75,687 05
<i>Clerks Services—(continued,)</i>		
(Amount brought forward,)	\$1,897 85	
Allowances to Clerks of county courts for copying Commissioners books,	1,143 23	
Ex-officio services of the Clerks of the the Circuit Courts, and Clerk of the General court,	3,139 33	
Clerk of Hickman circuit court, under special act of Assembly,	129 92	
Presses furnished the several offices,	190 63	
Circuit court Seals furnished,	10 00	
Office Rent for Clerk Court of Appeals,	50 00	
		6,560 96
<i>Deaf and Dumb—</i>		
Kentucky institution for the tuition of the Deaf and Dumb, for the support of the indigent pupils,		3,337 57
<i>Moneys Refunded—</i>		
Taxes twice paid,	9 62	
Taxes improperly paid,	16 79	
Fees paid into the Treasury for attorney general, clerk of the General Court, &c. by delinquent officers vs. whom judgments had been rendered in the General Court,	345 93	
Redemption of land sold for taxes,	64 70	
		437 04
<i>Public Roads—</i>		
Pay of Commissioners on the road from Columbus to the State line by the way of Paris, Tennessee,	40 00	
Ditto from Mount Sterling to the Virginia line by the way of Prestonsburg,	46 50	
		86 50
<i>Sheriffs, Comparing Polls—</i>		
For Congress,	125 69	
Governor and Lieutenant Governor,	116 90	
Senate,	43 99	
Electors,	1,838 39	
		2,124 97
<i>Legislature, Dec. Session, 1832—</i>		
Pay of members,	18,214 68	
Ditto witnesses,	37 92	
		18,252 60
(Amount forwarded,)		\$106,486 69

(Amount brought forward,)

\$106,486 69

Appropriations Dec. Session, 1832—

To Vachel Weldon,	\$30 79
A. C. Keenon,	426 25
J. G. Dana,	10 12
Joel Scott,	256 63
J. P. Hammons,	40 00
Joseph Gray,	210 00
A. S. Parker,	535 83
F. Reynolds,	18 60
John D. McClure,	333 71
Benjamin R. Pollard,	270 75
John A. Markley,	14 92
James Stonestreet,	580 00
A. G. Hodges,	4,365 68
Luke Munsell,	32 00
Rail Road Committee,	108 00
William Holeman,	243 00
James Dryden,	141 13
Mrs. Hume,	207 13
Robert S. Todd,	622 28
R. K. Stout,	106 00
John P. Cammack,	63 00
Anthony Crockett,	189 00
John M. Foster,	13 50
Silas M. Noel,	20 00
J. Dudley,	347 45
John, (a colored man,)	10 00
C. Minter, (a colored woman,)	10 00
Charles Hutchinson,	75 00
James Wight,	138 86
H. Wickersham,	5 00
A. R. Macey,	270 00
Frances S. Hickman,	144 75
H. Mordecai,	112 00
James T. Morehead,	266 75
L. Batchelor,	243 00
G. W. Barclay,	233 43
M. Brown,	14 00
Richard A. Bohannon,	15 00
Joseph Taylor,	32 66
E. Brown,	7 50
James W. Taylor,	272 29
James Davidson,	105 21
Lunatic Asylum,	9000 00
Chambers and Holeman,	30 00
Thomas S. Page,	97 50

\$20,268 72 \$106,486 69

(Amounts forwarded,)

(Amount brought forward,)		\$106,486 69
<i>Appropriations Dec. Session, 1832—(continued.)</i>		
(Amount brought forward,)	\$20,268 72	
James B. Marshall,	30 00	
William Wood,	740 07	
Tilman, (a colored man,)	10 00	
Mrs. Wingate,	75 00	
Wood and Keenon,	59 25	
John J. Crittenden,	248 00	
Porter Clay,	13 50	
Cumberland Hospital,	1,500 00	
	<hr/>	\$22,944 45
<i>Sheriffs for Revenue—</i>		
Amount overpaid, for year 1831,	221 09	
Ditto, ditto, 1830,	9 25	
	<hr/>	230 34
<i>Slaves Executed—</i>		
By order of Garrad circuit court,	550 00	
Ditto Fleming ditto,	400 00	
Ditto Mercer ditto,	900 00	
Ditto Fayette ditto,	514 28	
	<hr/>	2,364 28
<i>Commissioners of Tax—</i>		
For taking in lists of taxable property,		3,715 87
<i>Electors—</i>		
For pay of Electors attending at Frankfort, to vote for President and Vice President,		437 09
<i>Bridges—(Specie,)</i>		
Rockcastle bridge, (pay of Comm'rs,)	9 00	
Taylorsville bridge, (subscription of stock,)	900 00	
Ditto, in Commonwealth's paper (ditto,)	857 14	
	<hr/>	
In Specie,	909 00	
In Commonwealth's paper,	857 14	
	<hr/>	1,766 14
<i>Turnpike Roads—(Specie,)</i>		
Shelby county,	1,010 78	
<i>Ditto—(Commonwealth's paper,)</i>		
Shelby county,	13,714 27	
Franklin county,	10,500 00	
	<hr/>	
In Specie,	1,010 78	
In Commonwealth's paper,	24,214 27	
	<hr/>	25,225 05
(Amount forwarded,)		\$163,170 00

(Amount brought forward,)

\$163,170 00

Drawbacks on vacant Lands—Specie—

Pay of Military certificates,

116 61

Clerks—

Amount of account overpaid,

65

Appropriations Dec. Session, 1831—

To L. Batchelor,

41 00

James Davidson, Treasurer, for repairs of State House,

500 00

541 00

Digest Decisions Court of Appeals—

For amount paid Henry Pirtle, as per act of Assembly,

4,380 00

Total amount of warrants issued from the 11th day of October, 1832, to the 10th day Oct. 1833, inclusive,

168,208 26

Of which is in Specie,

2,189 39

in Commonwealth's paper,

166,018 87

168,208 26

Specie,

Warrants issued from 11th day of Oct.

1832, to the 10th day of Oct. 1833,

2,189 39

Warrants unpaid on the 10th day of October, 1832,

24,403 32

26,592 71

From which deduct the amount of warrants reported to have been paid by the Treasurer as in Statement No. 1,

26,592 71

Commonwealth's paper.

Warrants issued from the 11th day of

October, 1832, to the 10th day of Oc-

tober, 1833,

166,018 87

Warrants unpaid on the 10th day of October, 1832,

3,411 12

169,429 99

From which deduct the amount of warrants reported to have been paid by the Treasurer as in Statement No. 1,

166,646 18

Leaving amount of warrants unpaid on the 10th day of October, 1833,

\$2,783 81

No. 3.

A STATEMENT of debts due to government on the 10th day of October, 1833, viz:

Of the Revenue collectable by Sheriffs—

For the year	1793	104 06
Ditto	1794	138 61
Ditto	1796	1,805 36
Ditto	1798	101 36
Ditto	1799	217 25
Ditto	1800	172 26
Ditto	1802	31 99
Ditto	1803	1,662 21
Ditto	1806	613 26
Ditto	1807	279 43
Ditto	1809	48 58
Ditto	1811	52 44
Ditto	1815	10 26
Ditto	1817	754 54
Ditto	1819	942 86
Ditto	1820	472 30
Ditto	1821	1,519 02
Ditto	1823	374 16
Ditto	1824	510 67
Ditto	1825	1,010 58
Ditto	1828	16 54
Ditto	1829	37 63
Ditto	1830	519 30
Ditto	1831	615 00

Debts receivable,	12,009 67
Tax on Bank stock, (Independent Banks,)	7,127 84
Loans to the Penitentiary,	1,105 06
Treasurer, town of Columbus, (this amount retained in the hands of the Treasurer, by the directions of the Trustees, to cover expenses of sales,)	58,593 58
Clerks, for taxes received,	50 00
	7,312 72

Total amount of debts due to Government on the 10th October, 1833, \$86,198 87

Lexington and Ohio Rail Road Company, this amount of bonds issued, upon which the faith and credit of this Commonwealth is pledged for payment, in accordance to act of Assembly, approved 2d Feb. 1833, 100,000 00

Stock owned by the State.

In the Bank of Kentucky,	95,472 00
In the Bank of the Commonwealth of Kentucky, Specie,	1,701 07
Ditto, in Commonwealth's paper,	472,409 50
	<hr/> 474,110 57

Turnpike Roads—

Maysville, Washington, Paris and Lexington, Commonwealth's paper,	14,285 70
Shelby county,	39,987 53
Franklin county,	10,500 00
	<hr/> 64,773 23

Maysville, Washington, Paris and Lexington, Specie,	62,500 00
Shelby county,	7,010 78
	<hr/> 69,510 78

Taylorsville bridge, in Commonwealth's paper,	2,428 56
Ditto, in Specie,	850 00
	<hr/> 3,278 56

Total amount of stock owned by the State on the 10th day of October, 1833, \$707,145 14

No. 4.

A STATEMENT of debts due from Government on the 10th day of Oct. 1833, and for which the Treasury is bound for payment, viz:

Sheriffs for Revenue—

For account overpaid Revenue, 1813,	8 32
Ditto 1822,	1 02
Ditto 1826,	7 80
Ditto 1827,	4 68
	<hr/> 21 82

To the town of Columbus,	4,263 81
To purchasers of Non-residents' lands,	275 77
To Treasurer, town of Wadsworth,	05
For warrants unpaid, as in statement No. 2,	2,783 81
To Attorneys for salaries due,	1,036 61
For salaries due to Judiciary and Executive officers,	6,265 18
	<hr/>

Total amount of debts due from Government on the 10th day of October, 1833, \$14,647 05

No. 5.

A STATEMENT *shewing the debits and credits of the Revenue account for 1831, as due from Sheiffs during the year ending on the 10th day of October, 1833, viz:*

DEBITS.

Balance due on the 10th day of Oct. 1832,	77,096 64	-
Additional lists charged,	230 24	
Costs of suits charged,	34 00	
Warrants issued for accounts overpaid,	221 09	
	<hr/>	77,581 97

CREDITS.

By amount paid Treasurer, as in statement No. 1,	64,758 58	
Delinquents, forfeited lands, errors corrected and exonerations by court,	5,409 95	
Commission for collecting,	5,810 94	
Wolves killed,	987 50	
	<hr/>	76,966 97
Balance due Government on the 10th day of October, 1833, as it statement No. 3,		<hr/> <hr/> \$615 00

No. 6.

A STATEMENT *shewing the debits and credits of the accounts of Clerks, (Circuit, County, Court of Appeals, and General Court,) for the collection of tax on law process, deeds, seals, &c. accounted for, during the year ending on and including the 10th day of October, 1833, viz:*

DEBITS.

Balance due on the 10th October, 1832,	5,665 14	
Amount of accounts rendered,	20,572 82	
Amount of warrant for account overpaid as in statement No. 2,	65	
Amount of costs charged,	17 00	
	<hr/>	26,255 61

CREDITS.

By amount paid the Treasurer, as in statement No. 1,	17,916 36	
Commission for collecting,	1,026 53	
	<hr/>	18,942 89
Balance due Government on the 10th day of October, 1833, as in statement No. 3,		<hr/> <hr/> \$7,312 72

No. 7.

A STATEMENT *shewing the probable amount of the expenditures of Government for the year ending on and including the 10th day of October, 1834, viz:*

Jailors,	\$ 8,000 00
Executive Offices,	2,500 00
Public Printer,	20 00
Distributing Acts and Journals, Dec. Session, 1832,	120 00
Ditto ditto 1833,	350 00
Criminal Prosecutions,	15,000 00
Public Communications,	900 00
Contingent Expenses,	2,000 00
Salaries of the Executive and Judiciary Officers,	30,000 00
Military Expenditures,	600 00
For the support of Idiots,	13,000 00
Decisions of the Court of Appeals,	3,500 00
Clerks Services,	9,000 00
Deaf and Dumb Asylum,	3,500 00
Money Refunded,	400 00
Public Roads,	50 00
Sheriffs Comparing Polls,	500 00
Slaves Executed,	3,000 00
Commissioners of Tax.	7,000 00
Sheriffs for Revenue overpaid,	300 00
Turnpike Roads,	35,000 00
Legislature, Dec. Session, 1833, including all Expenses, supposing the Legislature to sit eight weeks,	40,000 00
Lunatic Asylum,	9,000 00

Total amount expected to be expended during the year ending on the 10th day of October, 1834, \$183,740 00

No. 8.

A STATEMENT *of moneys which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1834, subject to the expenses of Government, viz:*

The gross amount of Revenue collectable by sheriffs for the year 1833, and made payable on the first Monday in December next, is	81,654 46
The loss on the collection of the same, including credits for commissions, exonerations, delinquents, forfeited lands, and compensation for killing Wolves;	

(Amount forwarded)

81,654 46

(Amount brought forward,)	\$81,654 46
is presumed, will be about 12 per cent.	
amounting to,	9,798 53
The delinquent sheriffs will be	
about,	500 00
	<hr/> 10,298 53

Which leaves a sum that may be expected will be paid into the Treasury during the ensuing year, of	71,355 93
Of the Revenue collectable by clerks, (including tax on taverns, &c.) Register of the Land Office, and the Secretary of State,	16,000 00
Miscellaneous receipts,	50 00
Tax on non-residents' lands,	2,000 00
Bank stock funds, viz: Vacant and head-right lands,	1,800 00
For the sale of warrants, viz: To be laid west Cumberland river,	250 00
Ditto on forfeited lands, and to confirm titles to forfeited lands,	50 00
	<hr/> 200 00
For the sale of land west Tennessee river,	20,000 00
From the balances due Government, as in statement No. 3, will be collected of the revenue due by sheriffs,	600 00
Of amount due by clerks	3,000 00
Of the other balances it is not supposed that any thing can be collected,	<hr/>
Total amount expected to be received during the year ending 10th day of October 1834,	<u>\$115,105 93</u>
Balance due from Government as in statement No. 4,	14,647 05
Amount of Statement No. 7, the supposed amount of expenditures, for 1833-4,	183,740 00
Making a sum that may be expected will be expended during the year ending on the 10th day of October, 1834, of	198,387 05
From which deduct the expected receipts, as in the foregoing statement, No. 8,	115,105 93
Leaving a supposed balance due from Government, on the 10th day of October, 1834, of	<u>\$83,281 12</u>

OUR.

[Journal.]

A STATEMENT, Exhibiting the
including the 10th day of October, 1833; the
Expenditures, viz: ing on and
Revenue and

REVENUE CHARGEABLE

COUNTIES.	Valuation of Property.	Tax on Property.	Expenses exceeding the Revenue.
Adair,	\$ 987,084	\$616 9	
Anderson,	633,738	396 0	
Allen,	578,818	341 7	
Rockcastle,	270,913	169 3	
Russell,	361,831	226 1	360 82
Simpson,	683,046	426 9	
Shelby,	4,600,962	2,875 6	
Scott,	3,762,700	2,351 6	
Spencer,	1,311,443	819 6	
Todd,	1,652,810	1,033 0	
Trigg,	874,352	546 4	
Union,	825,415	515 8	
Wayne,	730,585	456 6	
Woodford,	3,333,986	2,083 7	
Warren,	1,773,253	1,108 2	
Whitley,	246,142	153 8	
Washington,	2,873,323	1,795 8	872 44
	\$126,601,004	79,125 8	4,239 82

By special Resolution of the Senate—Dec
on lands granted under the acts of 1795-6 at Treasury—
Commencing on the 15th day of September
there has been paid at the Treasury, th
During the same period, the drawbacks for
cates, amounts to

Nett amount received,

AUDITOR'S OFFICE,
Frankfort, Kentucky, October 10, 1833.

units.

No. 9.

A STATEMENT, Exhibiting the amount of Revenue, receivable by the Sheriffs and Clerks of each County, during the year ending on and including the 10th day of October, 1833; the amount of expenditures of each County during the same time; and, also, the difference between the Revenue and Expenditures, viz:

REVENUE CHARGEABLE TO SHERIFFS.						Ditto to Clerks.	Total Revenue chargeable to Sheriffs and Clerks.	Amount of Expenditures.	Nett Revenue.	Expenses exceeding the Revenue.
COUNTIES.	Valuation of Property.	Tax on Property.	Auditor's additional list.	Clerk's additional list.	Total Rev'n chargeable to Sheriffs.	Tax on Law Process, &c.				
Adair,	\$ 987,084	\$616 93	19 59		\$636 52	\$151 50	\$788 02	\$538 07	\$249 95	
Anderson,	633,738	396 09	20 12		416 21	252 50	668 71	295 39	373 32	
Allen,	578,818	361 76	9 90		371 66	230 50	602 16	423 51	178 65	
Boone,	1,874,626	1,171 64	34 22		1,205 86	224 50	1,430 36	499 99	930 37	
Bracken,	878,162	548 86	3 36		552 22	207 25	759 47	342 33	417 14	
Bourbon,	6,629,535	4,143 46	80 50		4,223 96	749 50	4,973 46	1,030 28	3,943 18	
Butler,	261,707	163 56	2 67		166 23	66 50	232 73	446 94		\$214 21
Barren,	2,011,925	1,257 46	50 11	1 38	1,308 95	452 00	1,760 95	930 63	830 32	
Bullitt,	818,908	511 82	11 40	5 03	528 25	202 00	730 25	435 47	294 78	
Breckenridge,	1,047,382	654 62	9 19	12 37	676 18	267 00	943 18	652 25	290 93	
Bath,	1,615,736	1,009 84	24 13		1,033 97	291 50	1,325 47	456 79	868 68	
Casey,	392,394	245 25	21 97		267 22	110 00	377 22	155 91	221 31	
Clay,	367,572	229 74	4 10		233 84	79 20	313 04	268 71	44 33	
Caldwell,	1,219,653	762 29	25 26	3 61	791 16	283 75	1,074 91	352 79	722 12	
Cumberland,	935,608	584 76	12 35		597 11	173 75	776 86	503 27	273 59	
Campbell,	1,839,563	1,149 73	17 33		1,167 06	495 25	1,662 31	767 60	894 71	
Christian,	2,532,313	1,582 69	85 92	74 61	1,743 22	441 50	2,184 72	1,150 91	1,033 81	
Clarke,	3,557,059	2,223 16	27 76		2,250 92	372 50	2,623 42	1,136 65	1,486 77	
Calloway,	545,407	340 88	8 41		349 29	183 00	532 29	254 22	278 07	
Daviess,	818,805	511 78	23 53		535 31	163 00	698 31	509 60	188 71	
Edmondson,	266,034	166 27	7 78	57	174 62	95 50	270 12	208 51	61 61	
Estill,	382,939	239 34	16 23		255 57	107 00	362 57	251 76	110 81	
Fayette,	8,580,804	5,363 01	101 26		5,464 27	908 25	6,372 52	2,180 16	4,192 36	
Floyd,	292,609	182 88			182 88	149 50	332 38	400 21		67 83
Fleming,	2,194,344	1,371 47	11 99		1,383 46	324 05	1,707 51	1,060 42	647 07	
Franklin,	2,063,604	1,289 76	27 66		1,317 42	467 50	1,784 92	743 42	1,041 50	
Gallatin,	1,120,398	700 25	37 11		737 36	229 50	966 86	503 54	463 32	
Greenup,	722,431	451 52	4 68	20 39	476 59	259 00	735 59	731 13	4 46	
Green,	1,976,859	1,235 54	28 45		1,263 99	353 50	1,617 49	811 37	806 12	
Grant,	350,906	219 32	24 23		243 55	138 50	382 05	495 28		113 23
Graves,	348,440	217 78	4 05	2 28	224 11	82 50	306 61	713 86		407 25
Grayson,	312,811	195 51	12 60		208 11	91 50	299 61	416 96		117 35
Garrard,	2,131,791	1,332 37	27 07		1,359 44	314 50	1,673 94	1,249 87	424 07	
Henry,	1,943,481	1,214 68	64 41		1,279 09		1,279 09	752 62	526 47	
Hart,	603,213	377 01	12 39		389 40	165 50	554 90	221 01	333 89	
Harlan,	188,665	117 92			117 92	77 50	195 42	643 91		448 49
Henderson,	1,279,740	799 84	48 34	7 28	855 46	232 00	1,087 46	382 08	705 38	
Hopkins,	774,520	484 08	26 67	6 43	517 18	192 50	709 68	352 48	357 20	
Hickman,	699,818	437 39	15 29	1 30	453 98	203 50	657 48	506 34	151 14	
Harrison,	2,511,810	1,569 88	134 40		1,704 28	388 00	2,092 28	1,066 69	1,025 59	
Hardin,	1,865,549	1,165 97	24 47		1,190 44	313 00	1,503 44	377 59	1,125 85	
Hancock,	253,216	158 26	8 68	1 06	168 00	68 00	236 00	295 51		59 51
Jefferson,	9,756,363	6,097 73	172 83		6,270 56	50 00	6,320 56	5,354 75	965 81	
Jessamine,	2,270,226	1,418 89	18 57		1,437 46	340 50	1,777 96	456 23	1,321 73	
Knox,	392,348	245 22	3 83		249 05	80 00	329 05	360 68		31 63
Lewis,	622,510	389 07	12 06		401 13	153 50	554 63	464 74	89 89	
Lincoln,	2,341,350	1,463 35	36 95		1,498 30	363 38	1,861 68	622 47	1,239 21	
Laurel,	145,709	91 07	1 25		92 32	46 50	138 82	344 39		205 57
Lawrence,	247,935	154 96			154 96	54 50	209 46	178 45	31 01	
Livingston,	911,550	569 72	8 83		578 55	211 50	790 05	608 44	181 61	
Logan,	2,561,631	1,601 02	46 57	77	1,648 36	305 00	1,953 36	1,273 39	679 97	
Muhlenburg,	672,267	420 17	6 33		426 50	145 50	572 00	406 36	165 64	
Madison,	3,717,512	2,323 45	34 44		2,357 89	538 00	2,895 89	1,282 64	1,613 25	
Montgomery,	2,338,372	1,461 49	47 20	98	1,509 67	306 50	1,815 67	972 88	842 79	
Mercer,	3,475,582	2,172 24	27 02		2,199 26	551 62	2,750 88	2,452 70	298 18	
Morgan,	221,483	138 43		2 06	140 49	70 50	210 99	236 65		25 66
Mason,	2,998,609	1,874 13	72 72		1,946 85	848 50	2,795 35	768 54	2,026 81	
Monroe,	553,982	346 24	7 24		353 48	168 00	521 48	234 06	287 42	
Meade,	657,964	411 23	12 74		423 97	158 00	581 97	249 39	332 58	
McCracken,	184,938	115 59	1 25	15	116 99	79 00	195 99	369 43		173 44
Nicholas,	1,380,367	862 73	59 18		921 91	214 25	1,136 16	644 46	491 70	
Nelson,	3,254,333	2,033 96	14 94	14 22	2,063 12	410 50	2,473 62	874 05	1,599 57	
Ohio,	467,202	292 00	19 13		311 13	118 50	429 63	448 97		19 34
Owen,	711,233	444 52	21 10		465 62	180 50	646 12	501 82	144 30	
Oldham,	1,425,873	891 17	70 68		961 85	287 00	1,248 85	537 07	711 78	
Pulaski,	784,662	490 42	18 13		508 55	176 75	685 30	460 32	224 98	
Perry,	182,517	114 08			114 08	43 50	157 58	1,000 45		842 87
Pendleton,	435,477	272 18	8 46		280 64	152 00	432 64	195 91	236 73	
Pike,	178,271	111 42			111 42	52 25	163 67	443 85		280 18
Rockcastle,	270,913	169 32	13 67		182 99	64 00	246 99	607 81		360 82
Russell,	361,831	226 15	3 22	5 73	235 10	83 50	318 60	252 70	65 90	
Simpson,	683,046	426 91	16 09	4 13	447 13	172 75	619 88	480 16	139 72	
Shelby,	4,600,962	2,875 60	61 52		2,937 12	683 50	3,620 62	1,064 99	2,555 63	
Scott,	3,762,700	2,351 69	88 89		2,440 58	498 50	2,939 08	1,725 35	1,213 73	
Spencer,	1,311,443	819 66	22 41		842 07	230 50	1,072 57	430 75	641 82	
Todd,	1,652,810	1,033 01	25 67	13 23	1,071 91	228 50	1,300 41	627 17	673 24	
Trigg,	874,352	546 47	34 56		581 03	290 00	871 03	264 53	606 50	
Union,	825,415	515 89	11 94		527 83	171 00	698 83	555 70	143 13	
Wayne,	730,585	456 62	6 51	33 79	496 92	183 50	680 42	461 53	218 89	
Woodford,	3,333,986	2,083 74	65 62		2,149 36	413 00	2,562 36	756 34	1,806 02	
Warren,	1,773,253	1,108 29	27 05	29 87	1,165 21	336 50	1,501 71	525 94	975 77	
Whitley,	246,142	153 84	6 90		160 74	58 00	218 74	1,091 18		872 44
Washington,	2,873,323	1,795 83	54 27		1,850 10	439 00	2,289 10	1,463 94	825 16	
	\$126,601,004	79,125 87	2,287 35	241 24	81,654 46	20,521 00	102,175 46	57,567 21	48,848 07	4,239 82

By special Resolution of the Senate—December Session 1832, a calculation has been made of the whole amount received at the Treasury—on lands granted under the acts of 1795-6 and 1800, (denominated Headright lands,) viz:

Commencing on the 15th day of September, 1796, (being the first payment) and ending the 10th day of October 1833,

there has been paid at the Treasury, the sum of \$659,024 46

During the same period, the drawbacks for lost lands, claims over paid, and also, including the pay of Military Certificates, amounts to 18,288 18

Nett amount received, \$640,736 28

PORTER CLAY, Auditor Pub. Accounts.

AUDITOR'S OFFICE,
Frankfort, Kentucky, October 10, 1833.

APPENDIX TO AUDITOR'S REPORT.

A Statement shewing the situation of the Treasury, (each year,) from the 10th day of October, 1823, to the 10th day of October, 1833, inclusive—also, shewing the amount of receipts and expenditures, same time, viz:

General expenses from the 10th day of October, 1823, to the 10th day of October 1824, including all appropriations made by the Legislature	\$193,995 38
Debts paid on account of the Penitentiary,	16,865 00
Funds furnished Clay & Rowan, commissioners to Virginia	11,098 00
Stock subscribed in the Bank of the Commonwealth of Kentucky,	83,604 00

Total expenditures, \$305,562 38 .

Received same time,

Profits from the Bank of the Commonwealth of Kentucky,	\$66,797 91
Distribution from the Bank of Kentucky,	59,670 00
Money refunded by Clay and Rowan, commissioners to Virginia	5,512 00
General receipts of Revenue, Vacant Lands, &c.	125,143 06

Total receipts \$257,122 97

Balance in the Treasury on the 10th day of October, 1823, 12,981 87

Making, \$270,104 84

Leaving a balance due from the Treasury, on the 10th day October, 1824, \$35,457 54

The balance standing on the books, as due from the Treasury, in Commonwealth's paper, on the 10th day of October 1824, \$36,467 54

There was in the Treasury, at the above date, \$500 in specie, equal in Commonwealth's paper, to \$1000 00

Also a \$20 Illinois note, equal in Commonwealth's paper, to 10 00

Making 1010 00

Which will leave an amount due from the Treasury, in Commonwealth's paper, as stated above, \$35,457 54

General expenses from the 10th day of October, 1824, to the 10th day of October, 1825, including all appropriations made by the Legislature, \$171,332 33

Stock subscribed in the Bank of the Commonwealth of Kentucky, 130,740 00

Total expenditures, \$302,072 33
(Amount forwarded,)

(Amount brought forward,)	\$302,072 33
Amount due from the Treasury, in Commonwealth's paper, on the 10th day of October, 1824,	36,467 54

Making	\$331,539 87
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Received same time,

Distribution from Bank of Kentucky,	\$119,340 00
Profits from the Bank of the Commonwealth of Kentucky,	66,148 71
Amount received from the sale of lands west of the Tennessee River,	11,400 00
General receipts of Revenue, Vacant Lands, &c.	115,206 47

Making,	\$312,095 18
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Leaving a balance due from the Treasury, in Commonwealth's paper, on the 10th day of October, 1825, of	\$26,444 63
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Same date, still in the Treasury, (in specie)	\$500 00
Illinois money,	20 00

General expenses from the 10th day of October, 1825, to the 10th day of October, 1826, including all appropriations made by the Legislature,	140,455 20
Stock subscribed in the Bank of the Commonwealth of Kentucky,	88,850 00
Entertainment of General La Fayette	8,126 50
Amount paid the Bank of the Commonwealth, for balance of Samuel South's account, as former Treasurer,	1,669 20

Total expenditures	239,100 90
Balance due from the Treasury, on the 10th day of October, 1825	26,444 63

Making	265,545 53
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Received same time,

Distribution of stock, by the Bank of Kentucky,	59,670 00
Profits from the Bank of the Commonwealth of Kentucky	50,613 32
Amount received from the sale of lands west of the Tennessee River,	33,519 80
General receipts of Revenue, Vacant Lands, &c.	100,921 89

Making	244,725 01
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Leaving a balance due from the Treasury, on the 10th day of October, 1826, in Commonwealth's paper, of	20,820 58
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Specie received during this year	500 00
Balance on hand 10th October, 1825,	500 00

Making on hand the 10th day of October, 1826, specie	1000 00
Still in Illinois money	20 00

2,072 33

6,467 54

1,539 87

General expenses from the 10th day of October, 1826, to the 10th day of October, 1827, including all appropriations made by the Legislature,		155,440 41
Stock subscribed in the Bank of the Commonwealth of Kentucky,		59,670 00
A credit given Treasurer for an over charge the previous year,		42 00
Total expenditures,		215,152 41
Balance due from the Treasury on the 10th day of October, 1826,		20,820 58
Making		235,972 99

Received same time,

2,095 18

6,444 68

Distribution from the Bank of Kentucky,		59,670 00
Profits of the Bank of the Commonwealth of Kentucky,		36,115 17
Sale of lands west of the Tennessee river,		19,228 25
General receipts of Revenue, Vacant Lands, &c.		115,529 64
Making		230,543 06

Leaving a balance due from the Treasury, on the 10th day of October, 1827, in Commonwealth's paper, of		5,429 93
Specie remaining in the Treasury, on the 10th October, 1826,		1000 00
Appropriated to the Governor of the state of Ohio,		209 40
Balance in the Treasury, on the 10th day of October 1827,		790 60
Still in Illinois money,		20 00

9,100 90

6,444 68

5,545 59

General expenses from the 10th day of October, 1827, to the 10th day of October, 1828, including all appropriations made by the Legislature,		154,509 27
Stock subscribed in the Bank of the Commonwealth of Kentucky,		29,835 00
Total expenditures,		184,344 27
Balance due from the Treasury, on the 10th of October, 1827,		5,429 93
Making		189,774 20

Received same time,

4,725 01

8,820 58

Distribution from the Bank of Kentucky		29,835 00
Profits of Bank of the Commonwealth of Kentucky,		10,486 27
Sale of lands west of the Tennessee river,		33,383 75
General receipts of Revenue, Vacant Lands &c.		85,111 09
Making		158,816 11

Leaving a balance due from the Treasury, on the 10th of October, 1828, in Commonwealth's paper, of		30,958 09
Specie in the Treasury still,		790 60
Illinois money,		20 00

1000 00

20 00

General expenses from the 10th day of October, 1828, to the 10th day of October, 1829, including all appropriations made by the

Legislature,	146,615 08
Internal Improvements	1,094 70
Stock subscribed in the Bank of the Commonwealth of Kentucky,	29,835 00
Pay of military certificates, received in discharge of Head-right Lands,	28 54
Total expenditures,	177,573 32
Balance due from the Treasury on the 10th day of October, 1828,	30,958 09
Making	208,531 41

Received same time,

Bank of Kentucky, for distribution of stock,	29,835 00
Profits of the Bank of the Commonwealth of Kentucky	23,116 75
Sale of lands west of the Tennessee river,	23,196 15
General receipts of Revenue, Vacant Lands, &c.	77,917 90
Making	154,065 80
Leaving a balance due from the Treasury, on the 10th of October, 1829, in Commonwealth's paper, of	54,465 61
Specie still in the Treasury,	790 60
Illinois money,	20 00

General expenses from the 10th day of October, 1829, to the 10th day of October, 1830, including all appropriations made by the

Legislature,	141,047 40
Stock subscribed in Turnpike roads,	3,561 00
Internal Improvements,	563 91
Stock subscribed in the Bank of the Commonwealth of Kentucky,	14,917 50
Total expenditures	160,089 81
Balance due from the Treasury, on the 10th October, 1829,	54,465 61
Making	214,555 42

Received same time,

Distribution from the Bank of Kentucky,	14,917 50
Profits of the Bank of the Commonwealth of Kentucky,	15,213 44
For sale of lands west of the Tennessee river,	16,479 50
General receipts of Revenue, Vacant Lands, &c.	84,522 92
Making	131,133 36
Leaving a balance due from the Treasury, on the 10th of October, 1830, in Commonwealth's paper, of	83,422 06

Specie,

Received as distribution from Bank of Kentucky,	14,917 50
Balance in the Treasury on the 10th day of October 1829,	790 60
Making	15,708 10
Stock subscribed in the Bank of the Commonwealth of Kentucky, 14,917 50	
Appropriated in part to the Rockcastle bridge,	790 60
Making	15,708 10
Illinois money,	20 00

General expenses from the 10th day of October, 1830, to the 10th day of October, 1831, including all appropriations made by the

Legislature,	134,883 86
Internal Improvements	900 00
Turnpike roads,	29,482 33
Taylorville bridge,	571 42
Stock subscribed in the Bank of the Commonwealth of Kentucky, 29,835 00	
Total expenditures	195,672 61
Balance due from the Treasury on the 10th of October 1830, in	
Commonwealth's paper, of	83,422 06
Making	279,094 67

Received same time,

Distribution from the Bank of Kentucky,	29,835 00
Profits of the Bank of the Commonwealth of Kentucky,	43,941 65
Sale of lands west of the Tennessee river,	32,116 10
General receipts of Revenue, Vacant Lands, &c.	79,687 75
Also Illinois money, exchanged for Commonwealth's paper,	20 00
Making	185,600 50
Leaving a balance due from the Treasury, on the 10th of October, 1831, in Commonwealth's paper, of	93,494 17

Specie,

Stock subscribed in the Bank of the Commonwealth of Kentucky, during this year,	29,835 00
Stock subscribed in Turnpike roads,	12,500 00
Appropriations to the Rockcastle bridge	5,260 40
Postage paid	275 01
Total paid	47,870 41
Amount received this year,	29,835 00
Leaving a balance due from the Treasury, in Specie, on the 10th day of October 1831, of	18,035 41

General expenses from the 10th day of October, 1831, to the 10th day of October, 1832, including all appropriations made by the

Legislature,	139,714 32
Turnpike roads	8,515 63
Stock subscribed in the Bank of the Commonwealth of Kentucky,	14,917 50

Total expenditures, 163,147 45

Balance due from the Treasury, on the 10th of October, 1831, in

Commonwealth's paper, of 93,494 17

Making 256,641 62

Received same time,

For distribution of stock in the Bank of Kentucky,	14,917 50
For profits in the Bank of the Commonwealth of Kentucky,	24,151 85
For sale of lands west of the Tennessee river,	32,428 59
General receipts of Revenue, Vacant Lands, &c.	88,783 78

160,281 72

Balance due from the Treasury, on the 10th day of October 1832,

in Commonwealth's paper 96,359 90

Specie,

Postage paid	476 97
Bridges (Rockcastle,)	156 00
Do (Taylorsville)	850 00
Turnpike roads,	31,656 68
Stock subscribed in the Bank of the Commonwealth of Kentucky,	13,859 34

Total expenditures, 46,998 99

Balancedue from the Treasury on the 10th of October 1831. 18,035 41

Making 65,034 40

Amount received from Bank of Kentucky, for the distribution of stock, 13,859 34

Balance due from the Treasury, on the 10th of October 1832, 51,175 06

General expenses from the 10th day of October, 1832, to the 10th day of October, 1833, including all appropriations made by the Legislature, 137,397 02

Taylorsville bridge, 1,857 14

Turnpike roads 24,214 27

Digest of the Decisions of the Court of Appeals, 4,380 00

Total expenditures, 167,848 43

Balance due from the Treasury on the 10th of October, 1832, in

Commonwealth's paper, of 96,359 90

Making 264,208 33

Received same time,

Lands west of the Tennessee river	25,506 54
Profits in the Bank of the Commonwealth of Kentucky,	10,704 72
Distribution by the Bank of Kentucky,	7,956 00
General receipts of Revenue, Vacant Lands, &c.	90,221 94

Making 134,389 20

Amount canceled in the Bank of the Commonwealth of Kentucky, 129,819 13

Making 264,208 33

Specie,

Postage paid,	103 00
Rockcastle bridge,	9 00
Rent of Adjutant General's office,	50 00
Turnpike roads	25,530 71

Making 25,692 71

Balance due from the Treasury on the 10th of October, 1832, 51,175 06

Making 76,867 77

Distribution received of the Bank of Kentucky, 15,912 00

Received for sale of lands west of the Tennessee river, 4,045 00

Canceled in the Bank of the Commonwealth of Kentucky, 56,910 77

Making 76,867 77

Stock owned by the State, on the 10th of October, 1833,

Bank of Kentucky,	95,472 00
Bank of the Commonwealth of Kentucky, (Specie)	1,701 07
Do Do Commonwealth's paper,	472,409 50

474,110 57

Turnpike Roads,

Maysville, Washington, Paris and Lexington, (Com'w. paper)	14,285 70
Shelby County Do	39,987 53
Franklin County Do	10,500 00

64,773 20

Maysville, Washington, Paris and Lexington, (Specie) 62,500 00

Shelby County Do 7,010 78

69,510 78

Taylorsville Bridge,

Commonwealth's paper,	2,428 56
Specie,	850 00

3,278 56

Total \$707,145 56

[C.]

TREASURY OFFICE,
3rd January, 1834. }

SIR,

You will please lay before the honorable House, over which you preside, the enclosed Report.

Yours Respectfully,

JAMES DAVIDSON, *Treasurer.*

HON. RICHARD B. NEW,
Speaker of the House of Representatives. }

TREASURER'S REPORT.

No. 1.

A STATEMENT showing the amount of moneys received by the Treasurer (under their appropriate heads,) from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive.

BANK STOCK FUND—

From Tellico Lands,	5 00	
" Headright Lands,	345 87	
" Land Warrants,	1,617 75	
		\$ 1,968 62
" Non-residents' Lands,		2,109 39
" Lands West Tennessee River, in Specie,		4,045 00
" Lands West Tennessee River, Com'wealth's paper,		25,506 54
" Lands West of Cumberland River,		276 85
" Lands East of Cumberland River,		12 50
" Warrants to be laid on forfeited Lands,		50 00
" Do to confirm Titles,		2 00
" Sheriffs, for Revenue,		64,758 58
" Clerks, for Taxes,	17,916 36	
" Register of the Land Office,	864 50	
		18,780 86
" Treasurer of the town of Columbus,		2,210 97
" Miscellaneous Receipts,		52 17
" Bank of Kentucky, for Stock—in Specie,		15,912 00
" Do do in Commonwealth's paper,		7,956 00
" Bank of the Commonwealth (nett profits,)		10,704 72
Total amount received during the year ending the 10th day of October, 1833,		154,346 20
Of which is in Specie,		19,957 00
" in Commonwealth's paper,		\$134,389 20

No. 2.

A STATEMENT showing the amount of warrants paid by the Treasurer
(under their appropriate heads,) from the 11th day of October, 1832,
to the 10th day of October, 1833, inclusive.

On Criminal Prosecutions,	\$12,119 29
For Lunatics,	12,063 17
" Clerks Services,	6,535 11
To Jailors,	7,600 16
" Attorneys for the Commonwealth,	4,988 02
" Salaries of the Judicial and Executive Departments,	29,703 61
" Contingent Expenses,	1,720 78
" Contingent Expenses, in Specie,	50 00
" Executive Offices,	2,399 11
" Commissioners of Tax,	3,940 87
" Military Expenses,	621 69
" Money Refunded,	437 04
" Decisions of the Court of Appeals,	3,642 00
" Slaves Executed,	2,364 28
" Turnpike Roads,	24,214 27
" Turnpike Roads, in Specie,	25,360 78
" Appropriation Dec. Session, 1831,	541 00
" Appropriation Dec. Session, 1832,	22,944 54
" Public communications,	871 03
" Public communications, in Specie,	156 32
" Sheriff's comparing polls,	2,124 97
" Institution for the tuition of the Deaf and Dumb,	3,337 57
" Public Roads,	86 50
" Election of President and Vice President,	437 09
" Legislature Dec. Session, 1832,	18,252 60
" Digest of the Decisions of the court of Appeals,	4,380 00
" Public Printer,	11 00
" Sheriff's for Revenue,	228 34
" Drawback on public Lands, in Specie,	116 61
" Taylorsville Bridge,	857 14
" Taylorsville Bridge, in Specie,	900 00
" Rockcastle Bridge, in Specie,	9 00
" Distributing the Acts and Journals,	225 00
Total amount of warrants paid from the 11th day of Oc- tober, 1832, to the 10th day of Oct. 1833, inclusive,	193,238 89
Of which is in Specie,	26,592 71
Ditto in Commonwealth's paper,	166,646 18
Total amount of warrants paid in Commonwealth's pa- per, from the 11th day of October, 1832, to the 10th day of October, 1833, as above stated,	166,646 18

Warrants to Taylorsville Bridge for 900 dollars specie cancelled and paid in Commonwealth's paper,	1,000 00
Advance at 5 per cent. allowed on \$4,045 received of Edmund Curd, receiver of Public money, West Tennessee River,	202 25
	<hr/> 167,848 43
Balance due from Government on the 10th day of October, 1833,	96,359 90
Making the whole debt, in Commonwealth's paper,	<hr/> 264,208 33
From which deduct the receipts as per statement No. 1,	134,381 20
Also, amount this day credited the Treasury, in the Bank of the Commonwealth, (see act of Assembly,)	129,819 13
	<hr/> 264,208 33
<i>Specie.</i>	
Total amount of warrants paid from the 11th day of October, 1832, to the 10th day of October, 1833,	26,592 71
To which add the balance due from Government, the 10th day of October, 1832,	51,175 06
	<hr/> 77,767 77
Making the whole debt,	77,767 77
From which deduct amount of receipts as per statement No. 1,	19,957 00
Also a warrant drawn in favour of Taylorsville Bridge and cancelled as above stated,	900 00
Also, amount this day credited the Treasury, in the Bank of the Commonwealth, (see act of Assembly,)	56,910 77
	<hr/> 77,767 77

[D.]

THE PENITENTIARY.

REPORT of the Agent and Keeper of the Kentucky Penitentiary.
TO THE HONORABLE,
THE LEGISLATURE OF KENTUCKY:

The time has again arrived when it is made my duty, by law, and my privilege by a merciful Providence, to make to you another annual report, shewing you the condition of the institution, which, by the Legislature of Kentucky, has been confided to my care and management.

As to its financial concerns, I will refer you for information to the report of the commissioners, appointed by the last Legislature, to exam-

ine the institution and report its condition up to the first day of January, 1834. Those gentlemen have had access to the books, and have performed an arduous task, which, I hope, will be satisfactory to you, as far as relates to them and to myself.

As regards the health of the prisoners, it was good from the time of the last report until the commencement of the Cholera, which took place in June last, and caused us nearly to suspend business in the prison for about ninety days; during which time, we lost fourteen convicts of Cholera. All of the convicts, except two were sick of the disease, and nearly all of them had from two, to five relapses. I thought it advisable to employ six guards during the prevalence of that disease, and with that view, I had six at its commencement, four of whom took the disease, as did myself and son, leaving only Mr. H. I. Anderson, the assistant, to attend to the business, aided by such young men as could be obtained, it being difficult to procure any. I personally attended to the sick, neglecting every other business, for about five weeks (prescribing and administering with my own hands, aided by all the assistance I could obtain from Doctors Sharp and Roberts,) until I was myself attacked by the disease. I recovered and relapsed frequently, until his Excellency was kind enough to advise me to leave the place and retire to the country, which I did for about two weeks. His Excellency was also kind enough to procure Mr. Jno. J. Vest to assist Mr. Anderson during my absence. While upon this subject, permit me to impress upon you the necessity of an hospital, for so great was our distress for the want of one, that I am obliged, in justice to myself, to say to you, that a sum could scarcely be named, sufficient to compensate men to risk their lives in nursing the sick, in that awful disease, as we and the attending physicians had to do. We had two escapes from the prison, growing directly out of the want of an hospital, for we were compelled to leave the cell doors open to give air to the sick and the dying, at which time one of the convalescent prisoners let out of his cell the prisoner who opened the cell doors for those who escaped. The expenses of re-taking them was six hundred and seventy-three dollars, which sum would have built a hospital.

Since the disease left us the prisoners have been very healthy, and all things are now in a prosperous condition. Our manufactures have been in fair demand and sales have been brisk.

We have received thirty-five prisoners since my last report. Seventeen have been discharged by the expiration of sentence and thirteen have been pardoned.

It is due to his Excellency to say, that the number of pardons was increased on account of the prevalence of the cholera, several being pardoned as a reward for their attention in nursing the sick, and some to enable themselves to recover from the disease. We have now seventy-one prisoners, having had fewer than formerly, the whole year.

In his Excellency's message to your honorable body, he stated to you that some improvement in the buildings is necessary, and refers to an exhibit of a plan for the improvement, which I might suggest to you. Impressed with the propriety of changing the internal buildings, I suggested to him my ideas of a plan for a workshop and discipline, proper for

our prison; and a rough draught of which, I have made, which, if your honorable body would wish to see it, shall be laid before you, with my views and explanation thereof.

I suggested to the last Legislature, in my report to them, a desire to retire from the superintendancy of the prison, stating, as my reason, a failing of my physical strength; and I would now beg leave to renew that request, as the labor incident to the office is more than I feel able to perform, and I believe that duty to myself and family, calls upon me to retire to an easier situation, and if, in your opinion, I have been faithful in the discharge of my duty, I beg of you as an acknowledgement thereof, to grant me permission to retire on the first day of March next. If I have been unfaithful, you will of course let me off—so that I may make my calculations that you will grant me my request; and in so doing, you have my pledge, at all times to render any assistance in my power, either to your body or to my successor. Believing you will permit me to retire, I must inform you, that circumstances required me to purchase of Gen. Hardin his stable and lot, which cost me \$650. I had also to purchase the house in which I now live, which cost me \$2750, it being the only way in which I could get possession of it, and it was the only house suitable for the residence of the keeper. I purchased it the more willingly, because the above named property suited the keeper, and would always have to be occupied by him, and I believed the Legislature would willingly purchase them for that use; and I would now respectfully offer the property at the same prices at which I purchased it, or at valuation if you prefer, in part payment of your share of the profits of the institution.

Upon referring to the report of the Commissioners appointed to examine the accounts of the institution, you will observe that they complain of the manner in which the books have been kept. I beg leave to remind you that the clerk was placed in office by the appointment of the Governor, and was sworn to keep the accounts of the institution, and was intended to be a check upon the keeper, and as it was the wish of the Legislature, I have always given up solely to the clerks the keeping of the accounts, (whose integrity I have, and do believe is unquestionable.) Some large mistakes have been made in the first part of the accounts, which can, and ought to be corrected—the greatest mistake is made against myself—to which subject I wish to call your early attention, and it can be more easily explained to you through a committee of your honorable body, which I hope to have the pleasure of meeting as soon and as frequently as may meet their convenience.

In conclusion, permit me to invite you to visit me by committee, and individually, and as frequently as may be convenient; and as you are nearly all strangers to me, I solicit the favor of you to make yourselves known to me when you visit the institution, in order that I may give you that attention to which you are entitled, and such information as you may desire in relation to the institution. All of which is very respectfully submitted by your obedient servant,

JOEL SCOTT, A. & K. Ky. Pen.

[E.]

BANK OF KENTUCKY, }
January 1st, 1834. }

SIR,—I have the honor of transmitting to you for the information of the House of Representatives, a general statement of the condition of this institution on the 31st ultimo inclusive.

The entire amount of capital stock now held in the institution is composed of 17,148 shares, amounting nominally to the sum of 341,704 dollars, of which the State of Kentucky is the owner of 5,967 shares, amounting to 119,340 dollars, and corporate and individual stockholders own 11,181 shares, amounting to 222,364 dollars.

It will be perceived on a comparison of the present with previous reports from this institution, that in stating the *number of shares* and *amount of capital stock*, the discrimination heretofore made between *full or complete* shares and *residuary* stock is discontinued, because the inequality of shares which produced that distinction has ceased to exist: all the stockholders having received, or being entitled to receive, eighty per cent. or 80 dollars on each share of their stock. Within the current year, ending the 31st ultimo, the institution has, by means of negotiations and compromises with individuals for doubtful and bad debts, and for the sale of real estate, effected a redemption of 1,428 shares of its capital stock, amounting nominally to the sum of 28,560 dollars.—Within the same period of time, it has redeemed of its notes then in circulation 578 dollars 75 cents by payment in silver, which have been subsequently cancelled and burnt in the presence of the Auditor and Treasurer, in conformity with statutory provisions, and reduces the entire amount of notes now in circulation to 31,543 dollars 39 cents; not ten per cent. of the amount it is confidently believed will ever be presented for payment, which will produce a nett gain to the Bank of about 30,000 dollars. The very slow progress made by the institution in the redemption of its notes, furnishes conclusive proof that but a very small proportion of the amount reported to be in circulation can be held by either corporations or individuals, and that consequently, the balance must be lost or destroyed. The Bank has now been redeeming its notes with specie for four years, and there being no possible inducement to the holders of its paper, if any, to retain it longer on hand, the board of directors have, with a view to facilitate closing of the Bank, caused an order to be entered up fixing on the first day of July, 1835, as the period of limitation for the presentment of such paper as is now reported

to be in circulation, which if not presented within the time specified, is to be considered as forfeited to the corporation. Notice to this effect has been given by the cashier through the public newspapers of this state.

On reference to the general statement submitted, it will be seen that the "current profits" of the institution for the year ending the 31st ult. amounted to the sum of 10,758 dollars 95 cents, and the "current expenses" for the same period, amounted to the sum of 4,812 dollars 56 cents, leaving an excess of nett gain to the institution on the operations of the last year, the sum of 5,946 dollars 39 cents, which has been carried to the general account of "surplus profits." It will be seen by a comparison of the present with my last annual report, that there has been a great diminution in the "current profits" of the institution, while there is not, nor can there be, under the present system, a corresponding diminution in the "current expenses." The board of directors have, by a rigid system of economy and by all the just and proper means within their control, diminished the expenses of the institution as far as was consistent with its interest and safety, even to the discontinuing its only agent; leaving the entire and yet wide spread business of the institution to be conducted by its President, Cashier and Clerk. It is gratifying, however, to be able to state, that the "current expenses" of the institution will, at no time within the period of its charter, equal the "current profits."

In conformity with a resolution of the board of directors adopted in May last, requesting the president to draft an address to the stockholders, setting forth the principles on which a portion of the funds of the Bank should be distributed amongst the *retaining* and *residuary* stockholders, and submit the same for consideration at their next meeting, the following report, [a copy of which is herewith enclosed marked A.] was submitted by him, considered and unanimously adopted by the board.

On the adoption of the report and accompanying resolution, the board of directors ordered a distribution of 49,828 dollars 96 cents of the "surplus profits" of the institution to be made amongst the retaining and residuary stockholders, payable on the first day of July following, two-thirds of which was directed to be paid in silver or notes of the Bank of the United States, and one-third in notes of the Bank of the Commonwealth of Kentucky; and the Cashier was instructed to assign to each stockholder the just proportion of said sum of 49,828 dollars 96 cents agreeably to the principles contained in the report and accompanying resolution before alluded to, which assignment or apportionment of interest produced the following results.

To the <i>retained</i> stock and that <i>partially</i> surrendered subsequent to 1st. of May, 1830,	\$4 00 per share.
To stock partially surrendered between 1st July, 1829, and first of May, 1830,	3 78 do.
do. 1st. July, 1828, and 1st. July, 1829,	3 40 do.
do. 1st. July, 1827, and 1st. July, 1828,	2 91 do.
do. 1st. July, 1826, and 1st. July, 1827,	2 23 do.
do. 1st. July, 1825, and 1st. July, 1826,	1 00 do.

and to stock surrendered between 1st. January, 1825, and 1st. July, 1825, 26 cents per share.

On a comparison of the above table, prepared by the Cashier with much skill and ability, with a report made to the Senate by the President of this institution on the 10th December, 1832, it will be seen that the *principle* adopted by the board of directors in the distribution made and paid to the stockholders in July last, is in strict conformity to those laid down in the report submitted to the Senate; and they have high gratification in stating that, so far as they are advised, the principle on which the distribution has been made meets the general approbation of the stockholders.

The state's proportion of the sum distributed in July last amounted to 23,868 dollars, being 4 dollars on each share, of which the sum of 15,912 dollars was paid to the Treasurer in money, and 7,956 dollars in notes of the Bank of the Commonwealth of Kentucky.

In referring back to the table of distribution, it will be seen that those stockholders who made a partial surrender of their stock prior to the first of January, 1825, received no portion of the amount distributed in July last, nor will they be entitled to receive any portion of the funds of the institution according to those principles, until those stockholders, who have not made a partial surrender of their stock, shall have received 2 dollars 50 cents more on each share. Hence, by this discrimination in favor of retained stock, so just and reasonable, and not liable, in the estimation of the board of directors, to any sound objection, the state of Kentucky will receive 38,808 dollars 62 cents more than if such discrimination had not been made.

It is confidently believed, that the means of the institution are now so far within its control, that a further distribution will be made and paid to the stockholders on or before the first day of April next, of an amount sufficient to place every grade of stock on a perfect equality.

The period allowed by law for a termination of the affairs of this institution, is not now distant, and it cannot be desirable to the stockholders, as it certainly is not to the officers, that the time should be prolonged.

ed; but under the present limitations and restrictions imposed by law, that object cannot be effected within the time presented, or *within any definite period*; for, so long as there remains a debt due the institution, it cannot be finally closed.

In my report to the legislature of 1831, as well as in that for the year 1832, I respectfully presented the subject to their consideration, and asked that such additional powers be granted to the President and Directors as would enable them, by a sale and transfer of the doubtful and bad debts, to close the concerns of the institution within the period of its charter, an object which must now be as desirable to the legislature, (the representative of the state interest,) as it is to the individual stockholders, or those who control its management; but the legislature, in its wisdom, not having thought proper to act on the subject, I am compelled by a high sense of duty and an earnest desire to see the Bank brought to a speedy termination, most respectfully to renew the subject for their consideration. It is perfectly within the knowledge of the officers of the institution, that the naked proposition submitted to the legislature for authority to sell and transfer the doubtful and bad debts of individuals from whom nothing could be obtained by the process of law, and from whom no proposition for a commutation of their debts could be obtained, induced some of them to come forward and make liberal propositions, comparatively, fearing no doubt that the authority would be given and their debts might be purchased by an individual who would harass and embarrass them in all their operations through life, unless the debt so purchased was settled. If then the mere fact of *presenting the subject* to the consideration of the legislature should be attended with such signal results, what might not be expected from that class of debtors were the powers asked by the President and Directors granted them. Had they the undoubted right and legal authority to sell and transfer the doubtful and bad debts due the institution, its business could easily be closed within the time prescribed by law. All the good debts due the institution can easily be collected within the period of its charter; so can the remnant of the real estate which it owns be sold or otherwise disposed of within the same period of time; but the *doubtful* and *bad* debts hang like an incubus on the institution. It is therefore most respectfully submitted to the consideration of the legislature, whether they will authorise the President and Directors of the Bank of Kentucky to sell at public auction, or otherwise, the doubtful and bad debts due the institution, giving and granting to the purchaser the same rights and remedies which the Bank now has either in law or equity to enforce their collection.

It is confidently believed, that under a power thus given, with such

limitations and restrictions, as the legislature may think just and proper to impose, a very large sum may be realized, which never will be obtained otherwise, because that class of individual debtors know, that when the corporation ceases to exist, there is no authority for prosecuting them any further; that suits must be dismissed, claims abandoned, and that they are absolved from all legal responsibility.

It may not be improper, and it certainly is intended to be respectful to the legislature, to suggest, in some degree, a detail of the plan of operations intended under the power which is asked, and the manner in which that power will be exercised: It consists mainly in this, that the doubtful and bad debts, which originated at the principal office of the Bank, or any one of its late offices of discount and deposit, shall be advertised for three months before the day of sale at the place where such debt originated, giving the parties names who are bound for the debt, the amount, &c. and credit, if any. This would enable the friends of an unfortunate debtor to buy up his paper at a greater or less discount, thereby relieving him of his embarrassment, and, in many instances, restore a valuable citizen to his family and society, who otherwise might linger out a painful existence in poverty and wretchedness.

It is further respectfully suggested to the consideration of the legislature, that as the Bank of Kentucky will soon cease to want a banking house or office, whether it would not be good policy in the state, to become the owner of the present banking house of the Bank of Kentucky, which would afford a safe place of deposit for the funds of the Treasurer, and a convenient office for the transaction of his official duties, even if it were not wanting for any other purpose. The state is the owner of a large portion of the stock in the Bank of Kentucky, and the corporation would cheerfully exchange the property for such a portion of that stock as might be mutually agreed on.

I have the honor to be, most respectfully,

P. DUDLEY, *President.*

HON. RICHARD B. NEW, *Speaker of the House of Representatives.*

Statement of the Situation of the Bank of Kentucky, Dec. 31, 1833.

Due to other Banks,	- - - - -	\$ 7,464 88
Notes issued,	- - - - -	31,543 39
Surplus profits,	- - - - -	263,403 39
Current profits,	- - - - -	10,758 95
Stock,	- - - - -	341,704 00
Due to individuals,	- - - - -	71,267 75
		<u>\$726,142 36</u>

Current expenses,	- - - - -	\$ 4,812 56
Due from other Banks,	- - - - -	12,818 03
Real estate,	- - - - -	233,207 93
Due from individuals,	- - - - -	427,310 55
Defalcation at branches,	- - - - -	20,782 64
CASH ON HAND—Silver,	- - - - -	\$ 402 85
Notes of specie Banks,	- - - - -	17,248 04
do. Bank of Commonwealth,	- - - - -	9,346 76
do. Uncurrent Banks,	- - - - -	206 00
do. Bank of Kentucky,	- - - - -	7 00
		<hr/> 27,210 65
		<hr/> \$726,142 36

Attest,

H. BLANTON, Clerk.

[A.]

At a Meeting of the Board of Directors for the Bank of Kentucky, May 17, 1833.
PRESENT—Peter Dudley, President, John Brown, Jacob Swigert, Charles S. Morehead and James Shannon, Directors.

In conformity to the resolution of the Board at their last meeting, the President submitted the following address to the Stockholders.

The period has now arrived in the operations of this institution, when it becomes the duty of the President and Directors to determine on and make known the principle by which they will be governed in the distribution of the balance of the funds of the institution amongst its Stockholders; but before they declare this principle, it is deemed just and proper, that the Stockholders shall be put in possession of all the information necessary for a correct understanding of the subject. To do this, a concise history of the operations of the institution from the passage of the law repealing its charter to the present time, is indispensably necessary.

By an act of the Legislature of this State, approved 5th December, 1822, the charter of the Bank of Kentucky was repealed, and by the third section of said act it was provided: "That the President and Directors of said Bank shall receive Stock in discharge of debts due said institution, at such discounts as to them shall seem just and reasonable, making due allowance for bad debts and losses, which it is probable said Bank may sustain." In conformity with this provision of the act, which made it imperative on the President and Directors to receive stock in discharge of debts due the institution, they proceeded to make the necessary estimates of "bad debts and losses" of the Bank, with a view of determining at what rate stock, originally \$100 per share, should be received in payment; and on the 19th December, 1832, adopted the following resolution: "Resolved, that surrenders of stock, in payment of debts, be allowed at the rate of \$80 the share, the party surrendering, retaining upon the balance of said stock the right to a rateable proportion of such surplus as upon a final settlement may be on hand." They also, by resolution, prescribed the form of a certificate to be given the surrendering stockholders, for a "residuary interest of one-fifth in each share," thus surrendered, "which interest will be entitled, on a final settlement of the concerns of the Bank, to such share of the distributable funds as may appear to be its fair proportion."

On the same day, the President and Directors adopted another resolution directing "one fifth of the semi-annual profits, after deducting all the expenses, to be carried to

the surplus fund, and that the residue of profits constitute a divisible fund amongst the retaining stockholders." Under this new organization, rendered necessary in conformity with the act referred to, the operations of the institution commenced in December, 1822, by a *suspension of dividends of profits*, the reception of stock in payment of debts at the rate of \$80 per share, varying in the amount at which it was received in payment of debts at the different periods of surrendering, deducting therefrom the distributions which had been made and paid over, and the distributions of its capital stock by regular instalments up to 1st. of March, 1832, at which period each and every stockholder, whether he surrendered or retained his stock, had received, or was entitled to receive, eighty per cent. or \$80 on each share.

It is thus shewn how, and in what manner, the stockholders have received, or are entitled to receive, eighty per cent. or \$80 on each share of their capital stock, and as a considerable fund has accumulated in the hands of the Cashier to be distributed, it becomes highly proper and expedient to determine what apportionment shall be made of those means, so as to dispense justice to the retaining and residuary stockholders, by a due respect to the rights derived under the charter as originally framed and subsequently modified. Had not the original integral composition of the shares of stock been destroyed by the act of December 5, 1822, and the corporate regulations growing out of that act, no anomalous or fractional interest of shares would have been created, and the settlement of the affairs of the institution would have been simple and plain. The laws of co-partnership, upon the ordinary principles of distribution, would then entitle each share to an equal dividend. Does then this modification of original stock interests dictate of itself any other rule of apportionment or distribution? or is there any thing in the terms of the corporation laws or regulations indicating a different principle of settlement? The law simply compels the reception of stock in payment of debts at such discount as may be thought reasonable and just, making due allowance for bad debts and losses, entitling the balance to a due proportion of the surplus means of the Bank. According then to the law, no other change is made in the relative position of the stockholders to each other or to the Bank, than the mere process of reducing the shares surrendered from \$100 to \$80 each. The principles and rules which pre-existed for defining and adjusting the rights of partners in a common or joint concern are left undisturbed by this arrangement; it is the *proportions* alone of interest which are varied. The principles upon which that interest is constituted, remain untouched, and in settling the amount to be paid to the retaining and to the residuary stockholders, the same *general* principles of division must be recurred to, that would have governed had none of the shares undergone this change. It is conclusive from the general and indefinite terms used in the law for expressing this contingent right of the residuary shares to such portion of the surplus as may appear to be justly due, "that the adjustment of the matter was intended to be left to the then existing and well settled law of co-partnerships. The Bank regulations appear to be framed in the same sense and spirit. For one-fifth of the annual profits, after deducting the expenses, were ordered "to be carried to the surplus fund, and the residue of profits were to constitute a divisible fund among the retaining stockholders." These Bank regulations are not only valuable as they define and settle, to the extent of their powers, the relative rights of the retaining and the residuary stockholders, but also furnish a cotemporaneous understanding and exposition of the law by those who were bound to interpret and act upon it. It is however suggested, notwithstanding the injunctions of the law and those of the corporation, that to allow the retaining stockholders no greater premium or interest for the use of their capital than the diminished nett profits of the institution, is incompatible with justice; that the residuary

stockholders, who, by a partial surrender of their stock to the Bank in payment of debts, realized 80 per cent. on their stock, should be charged on the books of the Bank with lawful interest on the amount surrendered until a final distribution or settlement takes place, and that the retaining stockholders be charged in like manner on all distributions they have received, or that legal or some other rate of interest, commensurate to a fair compensation for the use of capital, be allowed to the retaining stockholders before a common and equal distribution shall be made of the means of the Bank. This position is sustained by the argument that the debts extinguished by stock carried legal interest, and that the productive funds or profits of the institution were curtailed by this mode of payment. This claim, although the retaining stockholders have suffered much hardship, is not well based either in data or argument.

The diminution of profits arises, not so much from this operation of receiving stock in payment of debts, as from the cessation of banking accommodations in the form of discounts or loans, and of winding up the institution, which was commenced by the same law that dictated those stock arrangements. That mandate was imperative, both from general principles of legislation and of chartered provisions, and was not to be disobeyed under heavy forfeitures and total ruin to the corporation. Nor is it certain that the profits would have exceeded their present ratio, had not one dollar of stock been received in payment of debts. The Legislature had the rightful power of fixing the time for closing the career of the Bank by chartered stipulations. In fact, it had in that compact retained to itself exclusive powers for controlling and regulating its affairs, and one of the conditions of the renewed charter was the power reserved of withdrawing corporate privileges at discretion. The extinction of a larger amount of debt than was effected by stock agency, might have been legitimately prescribed by the same power through some other mode of payment. If such had been the case, the annual profits of the Bank might have fallen short of what they have done, inconsiderable as they are; yet the retaining stockholders could have claimed no more than a fair share of those profits, let them have been ever so much, under what our laws recognize as a fair per centage for the use of money. The residuary stockholders were, on no general principles of justice stipulations of the law of 1822, repealing the charter or of the Bank regulations, bound to guarantee to the retaining stockholders a greater sum of profits than that realized by the institution; they surrendered on no such stipulation or agreement. All required of them was to leave twenty per cent. of their stock as a guarantee to the retaining stockholders, to insure eighty per cent on their stock. The Bank regulations prescribed a mode, and provided a fund, by which the disparities arising under the stock arrangements, would be adjusted.

Who can say how much debt has been saved to the institution by the intervention of these stock operations? The times were difficult and embarrassing; the country was deeply involved in debt; the currency was limited; the debtors were involved; what loss might have been sustained by exacting payment in a medium difficult, if not impracticable, to be coerced from debtors, is almost impossible to divine. To compel the residuary stockholders to guarantee to the retaining stockholders legal interest upon 80 per cent. of their capital would be a proceeding contrary to the principles of co-partnerships—the obligations of the charter—and would amount to the extinction of that stock itself. Besides, are there no concessions made by the residuary stockholders? and are there no indemnities given by them to the retaining stockholders, for the liberty of surrendering their stock in payment of debts? Do not the retaining stockholders derive from this very act the exclusive right of managing the concerns of the Bank, unrestrained by the wishes, opinions or influence of the residuary stockholders? Who can deny, that the closing of

the Bank has been greatly accelerated by these stock operations, and does not that fact constitute some inducement? How much too are these views strengthened by the sources from which this privilege emanated, springing from the Legislature, the lawgivers of the land, organized to promote the general good, extending its care to every interest, whether personal or corporate, endowed with full powers and authority, acting in relation to the subject of its own creation, owning and controlling, on behalf of the Commonwealth, a larger portion of its stock, and surrendering no portion of that stock; under such circumstances, such a body must be supposed to have exercised all its wisdom and all its rectitude for the common good.

In conclusion, I have to say that, from my construction of the law, the resolution of the President and Directors who were acting under that law at the time of its enactment, and the common principles of just distribution, whether individual or corporate partnership concerns, there is but one plain, just and obvious principle to govern in apportioning the remaining funds of the institution amongst the different grades of stockholders, and that principle is to take the amount of interest, discounts, &c. constituting profits, and to deduct therefrom the expenses of the institution from the date of the last dividend of profits to the period of the first distribution of the capital stock, and assign those profits to the retaining and residuary stockholders pro rata, or in equal proportions, agreeably to the amount of stock held by them respectively, and in like manner, at the period of each distribution of the capital stock, make the same assignment of the profits, which have accrued within those periods, to the stockholders in proportion to the amount held by them respectively.

The foregoing report having been read, was unanimously adopted.

The following resolution was then offered by the President and adopted, to-wit:

Resolved, That the Cashier be instructed to pay to the Stockholders, from and after the first day of July next, the sum of \$49,828 90 cents; two-thirds thereof in silver or notes of the Bank of the United States, and one-third in notes of the Bank of the Commonwealth; and that in assigning the amount to be paid to the retaining and residuary Stockholders, he shall be governed by the following principle, to-wit: Take the amount of interest, discount, &c. constituting profits, and deduct therefrom the expenses of the institution from the date of the last dividend of profits to the period of the first distribution of the capital stock, and assign those profits to the retaining and residuary Stockholders pro rata or in equal proportions, agreeably to the amount of stock held by them respectively, and in like manner, at the period of each distribution of the capital stock make the same assignment of the profits, which have accrued within these periods, to the stockholders in proportion to the amount held by them respectively.

Extract from the minutes.

ATTEST,

H. BLANTON, CLERK.

N

[F.]

REPORT of the Commissioners appointed to settle with the Agent and
Keeper of the Penitentiary.

FRANKFORT, JANUARY 3, 1834.

DEAR SIR—You will please lay before the Senate the enclosed
statement of the situation of the Penitentiary.

And oblige

Yours, very respectfully,

JOHN GLOVER,

BEN. R. POLLARD,

Commissioners.

The Hon. RICHARD B. NEW,

Speaker of the House of Representatives.

In conformity to an act of the General Assembly, passed at the last
session of the Legislature, appointing us commissioners to settle and ad-
just the accounts of the Keeper of the Penitentiary, we submit the fol-
lowing report:

The books of the institution have been carefully examined, and the bal- ance ascertained up to the 31st day of December, 1833, inclusive, from which it appears, there remains due to the institution from indi- viduals, on accounts, the sum of	\$23,135 28
Notes on hand,	8,786 81
Interest on the same,	367 17
Notes in suit,	600 64
From the State for articles furnished by the Keeper to the building commissioners of the State House,	12,625 47
For erecting and completing 34 new cells, as directed by act of Assembly, approved 29th Jan. 1829,	2,116 80
For raising the outer wall of the Penitentiary six feet higher, and covering the same with loose stone,	1,546 81
For advances made by the Keeper to convicts on their discharge, after serving their term of imprisonment,	1,133 12
From Joel Scott, for the amount of his account,	17,011 52
From the State for articles furnished for the repairs of the Government House,	523 75
Cash on hand,	604 13

\$68,451 50

(Amount brought forward,)	\$68,451 50
To which add the amount of manufactured articles,	3,783 93
Raw materials on hand,	3,697 34
	<hr/>
	\$75,932 77
From which deduct the debts owing by the institution,	4,099 72
Also for debts supposed to be bad and doubtful,	1,785 00
	<hr/>
Total amount of profits,	<u>\$70,048 05</u>

In addition to the above sum, there has been expended in retaking convicts escaped from imprisonment, in rewards and other expenses, the sum of \$1,744 56. Whether this sum should be charged to the State, to the Penitentiary, or to the Keeper, or made a joint loss, is a matter respectfully submitted.

We think it probable that the institution is indebted to an amount beyond the sum here reported, as ascertained from the books; many articles have been received by the Keeper, as he informs us, unaccompanied by a bill, consequently they have not been placed to the credit of the person from whom they were purchased, and in such cases it has not been in our power to ascertain the true situation of the accounts, but have reported them as exhibited by the books.

In making the foregoing estimate, we have devoted much time and attention to the books and accounts of the institution, still, we do not exhibit this with entire confidence of its correctness; the difficulty in taking a correct and complete inventory, while a considerable portion of the materials are in the hands of the workmen in an unfinished condition, must be obvious to all; we, however, are of opinion, that the articles as estimated raw, as well as manufactured, will insure a sale without loss to the institution.

In ascertaining the profits of the institution, we have been compelled to resort to other data than that contained in the general account of the institution, which ought to have shewn the true situation of it at any time, if the books had been properly opened and kept; and we are of the opinion that if this had been correctly done, the general account would have exhibited a result not very different from the foregoing; but instead of that, it falls short at least thirty thousand dollars.

In making the foregoing remarks, we wish *not* to be understood as intending to impugn the motives of the officers whose duties placed them in charge of the books: We believe they have all been actuated from an ardent desire to promote the interest and prosperity of the institution.

We are decidedly of the opinion that the Penitentiary is at this time

in a prosperous condition; the keeper appears to be well qualified and to possess a peculiar tact for the management of such an institution. The prompt and energetic course pursued in the internal regulations of the prison, warrants an opinion favorable to its future success.

All of which is respectfully submitted by

JOHN GLOVER,
BENJ. R. POLLARD,
Commissioners.

[G.]

BANK OF LOUISVILLE.

REPORT from the Bank of Louisville, shewing the situation of that institution on the 1st day of November, 1833, and 1st day of January, 1834.

Bank of Louisville, January 2, 1834.

THE AUDITOR OF PUBLIC ACCOUNTS

Of the State of Kentucky:

SIR—The ninth section of the Charter of this institution, requires that there shall be transmitted to you, to be laid before the Legislature during the first week of its session, an accurate and just statement of the condition of the Bank as it existed on the first day of the preceding month.

In compliance with the requirements of the Charter, such a statement is herewith respectfully submitted.

The annual meeting of the Legislature having been postponed, (by an act passed subsequent, in point of time, to this act of incorporation,) from the first Monday in December to the last day of December, thereby making it nearly a month longer than was originally intended, between the period of making out the statement and submitting it to the legislature, and presuming that a statement of its concerns brought down to a later period, would be more satisfactory to that body, I have also presented a statement of the condition of the Bank as it existed on the first instant. The Charter also requires that the Auditor shall cause the same to be published at the expense of the Bank, in a public newspaper printed at the Seat of Government, and one printed in Louisville.

I am, very respectfully, your ob't. serv't

A. THRUSTON, Cashier.

A statement of the condition of the Bank of Louisville,

NOVEMBER 1ST, 1833.

LIABILITIES.

Capital Stock subscribed,	\$1,150,000	
Call on 1st, 2d and 3d instalments,	575,000	
Less unpaid of 3d instalment,	8,590	
Actually paid in,		566,410 00
Bank notes in circulation, viz:		
" " " 5's, 52,900		
" " " 10's, 49,600		
" " " 20's, 39,940		
" " " 50's, 21,500		
" " " 100's, 44,000		
	207,940	
Post notes payable in Philadelphia, in circulation, say,		
" " " 5's, 4,800		
" " " 10's, 10,000		
	14,800	
Whole amount of circulation,	222,740	
Amount due to other Banks,	20,955 60	
Do. Do. individual depositors,	102,088 06	
		\$ 912,193 66

MEANS.

Notes discounted, payable in Louisville,	416,006 96	
Bills of exchange, payable out of the State,	249,602 31	
Am't. due from sundry Banks,	18,481 47	
Cash on hand, in notes of the U. S. Bank & Branches,	37,775	
In gold and silver,	202,892	
	240,627	
Balance to credit of profit and loss, (nett gain,)		12,524 08
	\$924,717 74	924,717 74

A. THRUSTON, Cashier.

A statement of the condition of the Bank of Louisville,

JANUARY 1, 1834.

LIABILITIES.

Capital Stock sub- scribed,	1,150,000	
Call on 1st, 2d, 3d and 4th instal- ments,	862,500	
Less unpaid on 3d & 4th instalments,	58,725	
		803,775
Actually paid in, Bank notes in circu- lation, of 5's,	98,350	
" " " 10's,	78,520	
" " " 20's,	107,780	
" " " 50's,	49,850	
" " " 100's,	97,900	
	432,400	
Post notes payable in Philad'a. 5's,	14,730	
" " " 10's,	9,830	
	24,560	
Deduct post notes in transitu,	1,440	
	23,120	
Whole amount of circulation,		455,520
Due to other Banks,	50,936 20	
" Treasurer Uni- ted States,	15,332 42	
" Gen. Post Office,	624 50	
" Henry M. Shreeve, superintendent,	30 05	
		66,923 17
Due to individual de- positors,		142,605 66
		1,468,823 83

MEANS.

Notes discounted on personal security,	541,539 19	
Bills of exchange pay- able out of the State,	656,453 55	
Due from other Banks,	22,841 32	
Cash on hand, in notes of the Bank U. States and Branches,	68,610	
“ Notes of Banks in Cincinnati and Pitts- burgh,	4,408	
“ Gold and silver,	204,517 06	
	<hr/>	277,535 06
Balance to credit of profit and loss, (nett gain,)		<hr/> 29,545 29
	<hr/>	<hr/>
	\$1,948,369 12	1,498,369 12

A. THRUSTON, Cashier.

Bank of Louisville, January 2, 1834

[H.]

Ninth annual report of the President and Directors of the Louisville and Portland Canal Company.

By the requirements of the Charter and By-Laws of the Company, the Board presents to the Stockholders, a statement of their proceedings for the present year:

Partially to carry into effect the provisions of the Act of Assembly of the 12th December, 1831, authorising the Company to increase their Capital Stock to an amount sufficient to cover the actual expenditures for the completion of the Canal, and the interest on the money expended, up to the time of opening the Canal, and to sell as many Shares of Stock at \$100 each, as would accomplish that object, the board did on the 3rd of June last, make a dividend of \$30 per Share on 4,665 Shares, and of \$20 per share on 1,335 Shares, for interest, and the tolls before that time received and expended in completing the Canal; and also a further appropriation of \$5,700 for unliquidated claims—all which amounted to the sum of \$172,350, payable in the new stock of the company to the holders of Stock, of which sum, \$161,500 has been liquidated by delivering to Stockholders 1615 Shares of new stock, and the sum of

\$10,850 remains to the credit of Stockholders, for which shares will be issued when demanded. The loan made by the Company, redeemable in 1837, may at the option of the lenders, be also claimed in the Stock of the Company—and by the provisions of said act of assembly, may with its accruing interest, be also converted into stock, which with the stock already created, will make the number of Shares 9,450, forming a capital of \$945,000.

By the following account of receipts and expenditures of the Company, it will be seen, that the unliquidated debt of last year has been paid, and that the Company now owe, exclude of the loan, about \$2,700 in unsettled balances. They have received for Stone sold, and other small receipts, the sum of \$1,138 55, and there remains due for Stone, about \$1,500, and for Iron still on hand, about \$1,500. The Stone on the bank of the Canal, being gradually disposed of, will produce an annual income of about \$2000 for many years.

The General Account of the Company for the year is as follows:

Dr.

Balance in the Treasury by last account,	- - - - -	\$2,626 69
Received for Tolls in the year 1833,	- - - - -	60,736 92
Do. for Stone sold, &c.	- - - - -	1,138 55
		<hr/>
		64,502 16
		<hr/>

Cr.

Paid on account of interest,	- - - - -	\$7,172 46
Do. the debts of last year,	- - - - -	9,712 89
Do. on account of superintendence and labor on Locks,	- - - - -	2,895 02
Do. on account of repairs and alterations,	- - - - -	5,707 35
Do. repairs of injury by depredators,	- - - - -	845 32
Do. on account of watching and lighting,	- - - - -	714 18
Do. incidental expenses,	- - - - -	1,046 00
Do. balance of cash in the Treasury,	- - - - -	36,408 94
		<hr/>
		64,502 16
		<hr/>

The expenditures of the past year, have been large, in consequence of the necessity of perfecting many parts of the Canal, which being of a permanent character, are not to be considered as pertaining to the annual charges on the work. A Draw Bridge has been erected over the Guard Lock, which could not be dispensed with, it being required for the accommodation of the public, as connecting the villages of Portland and Shippingport. A Dreging Machine has been constructed, and is found to be effectual in removing the mud bars, deposited by the periodical freshets of the river at both ends of the Canal. The cast iron segments on which the Lock Gates were moved, and the rollers running on them, were found to be of an improper construction, and much expense has been incurred in replacing them by others, which experience has shewn, are more suited to the desired object. The wall at the upper end of

the Canal, has been extended the past season, by a lateral projection of about 150 feet, the current is turned off, so as to prevent the entrance of drift wood, in all stages of water, below the top of the wall, and the river seldom rises above that height. Among the items of expense will be found the sum of \$845 32, for repairs of lock walls, &c. and the sum of \$714 18, for guarding and lighting the Canal. It will be recollected, that in January last, the board offered a reward of \$1000 for the detection of the persons who did on the 23rd of that month, with the most evil intent, attempt to blow up the Locks of the Canal with gunpowder, in which attempt they but partially succeeded, owing, as was supposed, to a heavy rain then falling, the blast did not take effect, still the injury was considerable, and the whole appearance very alarming—the villains repeated their attempts by preparations to blow up the Stone Bridge, and by sinking boats loaded with coal, at the entrance of the Canal, to remove which, was attended with much trouble and expense. All efforts to discover the perpetrators of these acts of villany were fruitless, except that the board were convinced that they emanated from worthless and irresponsible persons. Since the discovery of these designs, a nightly watch has been kept on the whole line of the Canal, and lamps have been erected, and are kept lighted on the Locks. An Act of Assembly has been passed, making such outrages felony, which, with the vigilance kept up by the Company, it is but fair to presume, will prevent a repetition of such base proceedings. Many of the stones piled on the sides of the Canal and all other obstructions have been removed during the past year, so as to render the Canal a safe and easy navigation to all boats navigating the Western waters, with few exceptions.

The result of the business of the past year, as shewn by the subjoined list of Boats that have passed through the Canal, must be highly satisfactory to the Stockholders, and more than equals the most sanguine expectations of the original undertakers of this great National object. The unprecedented growth and prosperity of the commerce of the Ohio, will cause a corresponding increase in the income of the Canal. By a comparison of the receipts of tolls of the last quarter of the year 1833, with that of the corresponding quarter of 1832, under similar circumstances in the stage of the river, the increase is more than three fold.

By the balance of cash in the Treasury, it will be seen, that a Dividend of six per centum on the original Stock of the Company can be made, and the board recommend to the Stockholders, that a dividend of that amount be declared and paid out to the Stockholders, on demand.

SIMEON S. GOODWIN,
JOHN HULME,
JAMES MARSHALL.

*Office of the Louisville and Portland Canal }
Company, January 6th, 1834. }*

Abstract of the Boats that have passed, and Tolls received on the Louisville and Portland Canal.

1831—406 Steam Boats, 421 Flat and Keel Boats, 76,323
tons—amount received, - - - \$12,750 77

1832—453 Steam Boats, 179 Flat and Keel Boats, 70,109	
tons—amount received,	25,756 12
1833—875 Steam Boats, 710 Flat and Keel Boats, 169,885	
tons—amount received,	60,736 92
	<hr/>
	\$99,243 81
Total number of Steam Boats 1,734—Flats and Keels 1,310—amount of tonnage 316,317.	

At a meeting of the Stockholders of the Louisville and Portland Canal Company at their office in the City of Louisville, January 6th, 1834, the Report of the President and Directors was received and ordered to be printed.

The following persons were then elected President and Directors for the present year:

JAMES MARSHALL, PRESIDENT,	} Directors.
SIMEON S. GOODWIN,	
JOHN HULME,	
ELIHU CHANCEY,	
THOS. C. ROCKHILL,	

RESOLVED, That the Board of President and Directors be directed to make and pay out to the Stockholders, a dividend of six dollars per Share on the original 6000 Shares of Stock in this Company, to be paid to the persons in whose names the Stock stands on the books of the Company on this day.

W. G. BAKEWELL, CHAIRMAN.

[Extract from the Minutes.]

S. S. GOODWIN, SECRETARY.

A List of the different named Steam Boats,
As furnished by the Collector, that have passed through the Canal, in 1833, with the tonnage and toll of each for every passage through the Locks.

Names of Boats	Measurement		Canal tolls at		No. of trips
	Tons	95th	40 cts. per ton		
			Dol.	Cts	1833
Andrew Jackson,	98	45	39	38	2
Abeona,	151	00	60	40	2
Arab,	150	00	60	00	1
Amulet,	132	04	52	81	1
Argus,	121	89	48	75	12
Arkansaw,	115	00	46	00	4
Assiniboine,	149	05	59	62	1
Albion,	38	66	15	46	4
Belfast,	435	89	174	34	4

Names of Boats.	Measurement		Canal tolls at		No. of trips 1833
	Tons	95th	40 cts. per ton		
			Dol.	Cts.	
Baltic,	407	00	162	80	4
Boonslick,	295	51	118	20	1
Bayou Sara,	244	53	97	81	1
Bonnets O'Blue,	177	78	71	11	4
Black Hawk, No. 1,	137	17	54	86	2
Black Hawk, No. 2,	137	27	54	90	8
Boston,	148	14	59	25	4
Bonita,	139	91	55	96	2
Bravo,	80	50	32	20	2
Banner,	84	20	33	68	15
ChanceHor,	440	00	176	00	3
Convoy,	315	00	126	00	9
Constitution,	262	00	104	80	5
Cincinnati,	236	03	94	41	7
Criterion,	167	61	67	04	4
Chesapeake,	154	77	61	90	8
Champion,	195	58	78	23	6
Carrol,	98	40	39	36	2
Compromise,	132	55	53	02	11
Caroline,	78	23	31	29	3
Cavalier,	98	65	39	46	12
Courier,	114	53	45	81	8
Chief Justice Marshall,	196	55	78	62	8
Chester,	214	68	85	87	2
Chippewa,	150	30	60	12	4
Consort, (sunk)	113	77	45	50	1
Conveyance,	90	37	36	14	16
Charleston,	80	71	32	28	19
Carrolton,	180	10	72	04	1
Chieftian,	113	00	45	20	2
Creole,	171	50	68	60	1
Companion,	89	45	35	78	19
Caledonia,	122	90	49	16	1
Ceres,	58	34	23	33	9
Citizen,	97	25	38	90	2
Dover,	172	53	69	00	2
Delphine, (burnt)	137	59	55	00	3
Don Juan,	103	25	41	30	13
Dove,	97	72	39	08	15
Diana, (sunk)	99	18	39	67	1
Envoy,	91	81	36	72	16
Express,	105	81	42	32	8
Erin,	88	91	35	56	2
Emigrant,	88	40	35	36	2
Erie,	78	42	31	36	3
Eclipse,	53	85	21	54	1
Enterprize,	50	00	20	00	1
Farmer,	277	33	110	93	10

Names of Boats.	Measurement		Canal tolls at		No. of trips. 1833.
	Tons	95th	40 cts. per ton Dol. Cts.		
Freedom,	142	82	57	12	10
Free Trader,	109	85	43	94	20
Fame,	132	29	52	91	1
Fairy Queen,	60	20	24	08	4
Grenadier,	158	05	63	22	6
Gallipolis,	74	92	29	96	4
Henry Clay,	424	87	169	94	6
Hudson,	346	50	138	60	6
Hibernia,	324	03	129	61	4
Huntsville,	339	83	135	93	2
Huntsman,	136	40	54	56	23
Hawk Eye,	116	68	46	67	9
Harry Hill,	161	25	64	50	1
Halcyon, (sunk)	121	48	48	59	4
Highlander,	87	10	34	84	13
Heroine,	96	73	38	19	2
Herald,	86	30	34	52	6
Helen Mar,	88	93	35	57	4
Illinois,	98	73	39	50	28
Jack Downing,	99	68	39	87	1
Java,	103	32	41	32	1
Juniata,	110	66	44	26	8
John Nelson	156	03	62	41	2
Jefferson,	148	16	59	26	12
Junius,	130	00	52	00	4
Kentuckian,	285	54	114	21	5
Louisiana,	306	00	122	40	5
Lexington,	197	87	79	14	3
Lady Franklin,	177	05	70	82	6
Lady Jackson,	120	53	48	21	11
Lady Byron,	90	02	36	00	3
Lady Washington,	96	85	38	74	5
Lady Madison,	110	00	44	00	1
La Fouché,	186	49	74	25	4
Lancaster,	130	39	52	15	2
Lafayette, (sunk)	84	15	33	66	5
Little Rock,	84	80	33	92	4
Mohican,	271	00	148	40	6
Mountineer,	188	61	75	44	2
Metamora,	89	04	35	61	27
Messenger,	94	58	37	83	22
Mount Vernon,	86	00	34	40	13
Magnolia,	98	25	39	30	5
Miner,	57	25	22	90	1
New Brunswick, (burnt)	178	25	71	30	2
Napoleon,	167	52	67	00	9
Navarino,	147	75	59	10	13
Nile,	74	44	29	77	6

Names of Boats.	Measurement		Canal tolls at		No. of trips 1833.
	Tons	95th	40 cts. per ton		
			Dol.	Cts.	
Orleans,	326	82	130	72	6
Ohio	273	47	109	38	3
Ouachita,	160	25	64	10	1
Osage,	89	39	35	75	3
O'Connel,	107	46	42	98	2
Olive Branch,	76	59	30	62	4
Orion,	65	69	26	27	1
Philadelphia,	442	00	176	80	1
Powhatan,	269	06	107	62	5
Peruvian, (sunk)	226	00	90	40	2
Polander,	118	77	47	50	13
Paragon,	89	90	35	96	6
Portsmouth,	97	19	38	87	5
Pennsylvanian,	133	50	53	40	1
Red Rover,	437	50	175	00	1
Return,	126	90	50	75	9
Robert Fulton,	128	08	51	23	5
Rambler, No. 1, (burnt)	91	81	36	72	3
Rambler, No. 2,	114	83	45	93	2
Republican,	21	51	8	60	1
Richmond,	32	88	13	15	2
Rising Sun,	38	68	15	47	1
Reliance,	70	83	28	33	1
Splendid,	354	66	141	86	5
Senator,	181	78	72	71	6
Samson,	198	18	79	27	6
Superior,	174	60	69	84	8
Scotland,	158	22	63	32	6
Signal,	140	87	56	34	3
Statesman,	136	76	54	70	5
Sentinel, (burnt)	151	82	60	72	2
St. Martin, (blown up)	143	41	57	36	1
Sylph,	60	24	24	09	3
Sea Gull,	50	00	20	00	2
St. Leon Ferry,	74	51	29	80	1
Tuscarora,	286	86	114	74	1
Tippecanoe,	135	63	54	25	7
Transport,	126	90	50	76	5
Tally-Ho,	142	22	56	88	3
Trenton, (sunk)	135	81	54	32	2
Telegraph,	188	30	75	32	3
Thomas Yeatman,	113	53	45	41	2
Uncle Sam,	468	91	187	56	3
Van Buren,	94	65	37	86	1
Vermillion,	138	00	55	20	2
Veteran,	86	16	34	46	4
Vincennes,	95	62	38	24	1
Warren,	290	50	116	20	1

Names of Boats.	Measurement		Canal tolls at		No. of trips 1833
	Tons	95ths	40 cts. per ton Dol.	Cts	
Watchman,	118	19	47	27	2
Warsaw,	146	45	58	58	10
Wyoming,	105	20	42	08	11
Winnebago,	95	00	38	00	1
Wm. Parsons,	116	63	46	65	7
Wm. Penn,	84	06	33	62	9
Waterloo,	90	10	36	04	9
Warrior,	100	23	40	09	1
Wm. Wallace,	60	00	24	00	3

In addition to the above, 710 Flat and Keel Boats, &c. have passed through the Locks.

JOHN HULME, COLLECTOR.

[I]

LIBRARY ROOM, Frankfort, 16th Jan. 1834.

SIR,

You will please lay before the Honorable House, over which you preside, the accompanying report, which contains a concise view of the State Library.

Yours Respectfully,

GEORGE A. ROBERTSON, LIB'RN.

HON. RICHARD B. NEW,

Speaker of the House of Representatives.

Report of the Librarian.

A Catalogue of Books on hand belonging to the Public Library, viz:
STATE PAPERS OF CONGRESS.

1st Session	4th Congress,		1 vol.	year, 1795,
"	13th	do	No. 1	21 vols.
"		do	do 2	13 do.
"		do	do 13	1 do.
2nd Session	13th	do	do 1	6 do. large size.
"		do	do 2	6 do. do
"		do	do 3	5 do. do
	14th	do	do 1	16 do.
		do	do 2	14 do.
		do	do 3	1 do.
1st Session	14th	do	do 1	6 do. large size.
"		do	do 2	6 do. do.
"		do	—	6 do. do.

2nd Session 14th Congress,	No. 1	6 vols. large size.	
" do	do 2	6 do do.	
" do	do 3	6 do do.	
13th Congress,	do 1	16 do	
do	do 2	16 do	
do	do 3	8 do	
do	do 4	7 do	
do	do 5	6 do	
do	do 6	6 do	
do	do 7	3 do	
do	do 8	6 do	
16th Congress,	do 1	25 do	
do	do 2	17 do	
do	do 3	27 do	
do	do 4	17 do	
do	do 5	10 do	
do	do 6	9 do	
do	do 7	9 do	
do	do 8	10 do	
do	do 9	5 do	
do	do 10	3 do	
do	do 11	3 do	
do	do 12	4 do	
do	do 13	4 do	
do	do 14	5 do	
do	do 15	1 do	
17th Congress,	do 1	26 do	
do	do 2	26 do	
do	do 3	14 do	
do	do 4	18 do	
do	do 5	10 do	
do	do 6	14 do	
do	do 7	16 do	
do	do 8	13 do	
do	do 9	14 do	
do	do 10	13 do	
do	do 11	7 do	
do	do 12	6 do	
do	do 13	6 do	
do	do 14	6 do	
1st Session 18th Congress,	do 1	9 do years, 1823-4	
" do	do 2	7 do do do	
" do	do 3	8 do do do	
" do	do 4	7 do do do	
" do	do 5	7 do do do	
" do	do 6	7 do do do	
" do	do 7	7 do do do	
" do	do 8	8 do do do	
" do	do 9	7 do do do	
" do	do 10	7 do do do	

1st Session 18th Congress,	No. 11	7 vols. do	years 1823-4
" do	do 12	7 do do	do
2nd Session 18th Congress,	do 1	8 do	years, 1824-5
" do	do 2	6 do do	do
" do	do 3	9 do do	do
" do	do 4	7 do do	do
" do	do 5	7 do do	do
" do	do 6	7 do do	do
" do	do 7	14 do do	do
" do	do 8	5 do do	do
1st Session 19th Congress,	do 1	7 do	years, 1825-6
" do	do 2	7 do do	do
" do	do 3	7 do do	do
" do	do 4	7 do do	do
" do	do 5	7 do do	do
" do	do 6	7 do do	do
" do	do 7	7 do do	do
" do	do 8	7 do do	do
" do	do 9	7 do do	do
" do	do 10	7 do do	do
2nd Session 19th Congress,	do 1	12 do do	do
" do	do 2	6 do do	do
" do	do 3	6 do do	do
" do	do 4	7 do do	do
" do	do 5	6 do do	do
" do	do 6	6 do do	do
" do	do 7	13 do do	do
" do	do 8	6 do do	do
" do	do 9	6 do do	do
1st Session 20th Congress,	do 1	11 do	years, 1827-8
" do	do 2	11 do do	do
" do	do 3	11 do do	do
" do	do 4	10 do do	do
" do	do 5	11 do do	do
" do	do 6	11 do do	do
" do	do 7	11 do do	do
2nd Session 20th Congress,	do 1	11 do	years, 1828-9
" do	do 2	11 do do	do
" do	do 3	11 do do	do
" do	do 4	11 do do	do
" do	do 5	11 do do	do
" do	do 6	11 do do	do
1st Session 21st Congress,	do 1	12 do	years 1829-30
" do	do 2	13 do do	do
" do	do 3	12 do do	do
" do	do 4	12 do do	do

SENATE DOCUMENTS.

1st Session 18th Congress,	No. 1	4 vols. years, 1823-4
" do	do 2	7 do do do
" do	do 3	6 do do do

2d Session 18th Congress,	No. 1	6 vols. years 1824-5
" do	do 2	7 do do do
" do	do 3	7 do do do
" do	do 4	7 do do do
1st Session 19th Congress,	do 1	7 do do 4825-6
" do	do 2	7 do do do
" do	do 3	7 do do do
" do	do 4	7 do do do
" do	do 5	7 do do do
2d Session 19th Congress,	do 1	6 do years 1826-7
" do	do 2	6 do do do
" do	do 3	6 do do do
1st Session 20th Congress,	do 1	11 do do do
" do	do 2	11 do do do
" do	do 3	11 do do do
" do	do 4	11 do do do
" do	do 5	11 do do do
2d Session 20th Congress,	do 1	11 do do do
" do	do 2	11 do do do
1st Session 21st Congress,	do 1	11 do years 1829-30
" do	do 2	11 do do do
2d Session 21st Congress,	do 1	10 do do do
" do	do 2	11 do do do
1st Session 22d Congress,	do 1	12 do years 1831-2
" do	do 2	12 do do do
" do	do 3	12 do do do

SENATE JOURNALS, U. S.

2d Session,	2 vols. year, 1790
3rd do	1 do. do do
2d Session 7th Congress,	1 do. do 1802,
1st Session 13th Congress,	1 do. do 1813,
2d do do	9 do. do do
3rd do do	8 do. do 1814,
1st Session 14th Congress,	8 do. do 1815,
2d do do	7 do. do 1826,
1st Session 15th Congress,	6 do. do 1817,
2d do do	3 do. do 1818,
1st Session 16th Congress,	6 do. do 1819,
2d do do	3 do. do 1820,
1st Session 17th Congress,	6 do. do 1821,
2d do do	9 do. do 1822,
1st Session 18th Congress,	10 do. do 1823-4,
2d do do	10 do. do 1824-5,
1st Session 19th Congress,	8 do. do 1825-6,
2d do do	9 do. do 1826-7,
1st Session 20th Congress,	11 do. do 1827-8,
2d do do	11 do. do 1828-9,
1st Session 21st Congress,	12 do. do 1829-30,
2d do do	10 do. do 1830-1,
1st Session 22d Congress,	12 do. do 1831-2,

HOUSE JOURNALS.

	No. 1	Vol. 1	years, 1789-92,
1st & 2nd Congress,	do 3	do 1	do 1797-1801,
5th & 6th do	do 4	do 1	do 1801-2,
7th & 8th do	do 5	do 1	do 1804-7,
8th & 9th do	do 6	do 1	do 1807-9,
10th do	do 7	do 1	do 1809-11,
11th do	do 8	do 1	do 1811-13,
12th do	do 9	do 1	do 1813-15,
13th do	—	do 12	do 1831-32,
22d do			

REPRESENTATIVES JOURNAL.

1st Session 13th Congress,	2 vols. year, 1813,
2d do do	9 do do 1814,
3rd do do	9 do do do
1st Session 3rd Congress,	1 do do 1793,
1st Session 14th Congress,	9 do do 1815,
2d do do	6 do do 1816,
1st Session 15th Congress,	5 do do 1817,
2d do do	3 do do 1818,
1st Session 16th Congress,	9 do do 1819,
2d do do	7 do do 1820,
1st Session 17th Congress,	7 do do 1821,
2d do do	9 do do 1822,
1st Session 18th Congress,	9 do do 1823-4,
2d do do	9 do do 1824-5,
1st Session 19th Congress,	10 do do 1825-6,
2d do do	9 do do 1826-7,
1st Session 20th Congress,	12 do do 1827-8,
2d do do	14 do do 1828-9,
1st Session 21st Congress,	10 do do 1829-30,
2d do do	10 do do 1830-1,

REPORTS OF COMMITTEES.

1st Session 17th Congress,	No. 10	1 vols. year, 1821,
2d do do	do 1	2 do do 1822,
1st Session 18th Congress,	do 1	7 do do 1823-4,
do do do	do 2	7 do do 1823-4,
2d do do	do 1	7 do do 1824-5,
do do do	do 2	7 do do 1824-5,
1st Session 19th Congress,	do 1	7 do do 1825-6,
do do do	do 2	7 do do do
2d do do	do 1	6 do do 1826-7,
" do do	do 2	5 do do do
" do do	do 3	6 do do do
1st Session 20th Congress,	do 1	11 do do 1827-8,
" do do	do 2	11 do do do
" do do	do 3	11 do do do
" do do	do 4	11 do do do

2d Session 20th Congress	—	11	do	years 1828-9,
1st Session 21st	do	No. 1	12	do do do
" do	do	2	11	do do do
" do	do	3	13	do do do
2d Session 21st	do	—	10	do do do
1st Session 22d Congress,		1	12	do do 1830-1,
" do	do	2	12	do do do
" do	do	3	12	do do do
" do	do	4	12	do do do

AMERICAN STATE PAPERS.

No. 1	5 vols.	years, 1789-94,	No. 6	3 vols	years, 1807-8,
" 2	3 do	do 1794-7,	" 7	3 do	do 1808-10,
" 3	4 do	do 1797-8,	" 8	3 do	do 1810-12,
" 4	4 do	do 1798-1803	" 9	4 do	do 1812-15,
" 5	3 do	do 1803-7,			

Diplomatic Correspondence, Edited by James Sparks, in 12 vols.
 Secret Journals of Congress, Domestic Affairs, No. 1-2 vols. years,
 1775 and 1788.

SECRET JOURNALS OF CONGRESS.—FOREIGN AFFAIRS.

No. 2	2 vols.	years,	1775-81,
" 3	2 do	do	1781-6,
" 4	2 do	do	1786-8,

EXECUTIVE JOURNALS OF CONGRESS.

No. 1	2 vols.	years,	1789-1805,
" 2	2 do	do	1805-15,
" 3	2 do	do	1815-20,

EXECUTIVE DOCUMENTS OF CONGRESS.

2d Session 21st Congress,	No. 1	10 vols.	years, 1830-1
" " do	" 2	10 "	do do
" " do	" 3	10 "	do do
" " do	" 4	10 "	do do
1st Session 22d Congress,	" 1	12 "	do do
" " do	" 2	12 "	do do
" " do	" 3	12 "	do do
" " do	" 4	12 "	do do
" " do	" 5	12 "	do do
" " do	" 6	12 "	do do

ACTS OF CONGRESS.

1st Session 13th Congress,	Unbound,	64 vols.
2d " do	do	84 do
1st Session 14th Congress,	do	116 do
2d " do	do	229 do
1st Session 15th Congress,	do	194 do
2d " do	do	126 do

1st Session 16th Congress,	Unbound,	102 vols.
2d " do	do	134 do
1st Session 17th Congress,	do	28 do
2d " do	do	111 do
1st Session 18th Congress,	do	78 do
2d " do	do	125 do
1st Session 19th Congress,	do	54 do
2d " do	do	56 do
1st Session 20th Congress,	do	63 do
2d " do	do	77 do
1st Session 21st Congress,	do	81 do
2d " do	do	78 do
1st Session 22d Congress,	do	77 do
2d " do	do	50 do

REPORTS ON THE FINANCES.

No. 1	2 vols.	years 1790 to 1814,
" 2	2 "	do 1815 to 1828,

TREASURER'S ACCOUNTS.

2d Session 16th Congress,	3 vols.	year,	1821,
Messages and Reports,	1 "	do	1813,
Free Schools,	1 "	do	1820,
Public Letters,	1 "	do	1822,
Penal Code,	1 "	do	1822,
Canal Reports,	1 "	do	1817,
Adams' Reports,	1 "	do	1821,

DIGEST OF THE STATUTES OF KENTUCKY.

No. 1	41 vols.	year,	1822,
" 2	6 do	do	do

LITTELL'S LAWS OF KENTUCKY.

No. 1	9 vols.	year,	1809,
" 2	12 do	do	1810,
" 3	12 do	do	1811,
" 4	10 do	do	1814,

LITTEL'S REPORTS OF KENTUCKY.

No. 2	1 vol.	year,	1823,
" 4	14 "	do	1824,

T. B. MONROE'S REPORTS OF KENTUCKY.

No. 1	5 vols.	year, 1825,	No. 5	2 vols.	year, 1829,
" 2	3 do	do 1826,	" 6	1 do	do do
" 3	2 do	do 1827,	" 7	4 do	do do
" 4	1 do	do 1828,			

JOHN J. MARSHALL'S REPORTS OF KENTUCKY.

No. 1	2 vols.	year,	1831,
" 4	3 "	do	1832,
" 5	17 "	do	1833,

PIRTLE'S DIGEST OF KENTUCKY.

No. 1	215 vols.	year,	1832,
" 2	217 "	do	do

ACTS OF KENTUCKY.

1 Vol.	year,	1799,	1 Vol.	year,	1819,
1 "	do	1802,	61 "	do	1820,
2 "	do	1802-5,	99 "	do	1824,
1 "	do	1806,	85 "	do	1825,
1 "	do	1807,	38 "	do	1826,
1 "	do	1811,	2 "	do	1827,
4 "	do	1812,	265 "	do	1828,
5 "	do	1813,	1 "	do	1829,
5 "	do	1816,	218 "	do	1831,
20 "	do	1817,	161 "	do	1832,
19 "	do	1818,			

HOUSE JOURNALS OF KENTUCKY.

1 Vol.	year,	1805,	19 Vols.	year	1827,
4 "	do	1815,	14 "	do	1818,
18 "	do	1816,	17 "	do	1829,
16 "	do	1822,	14 "	do	1830,
8 "	do	1824,	17 "	do	1831,
23 "	do	1825,	22 "	do	1832,
17 "	do	1826,			

SENATE JOURNALS OF KENTUCKY.

1 Vol.	year,	1795,	22 Vols.	year,	1823,
3 "	do	1814,	20 "	do	1824,
1 "	do	1815,	24 "	do	1825,
5 "	do	1816,	22 "	do	1826,
3 "	do	1817,	21 "	do	1827,
1 "	do	1818,	16 "	do	1828,
1 "	do	1819,	18 "	do	1829,
11 "	do	1820,	8 "	do	1830,
5 "	do	1822,	16 "	do	1831,
			21 "	do	1832,

Military Tactics,

84 vols.

Letters from the Secretary of the Treasury, 6 " year, 1828.

ACTS OF KENTUCKY.

12 Vols	years,	1817-18-19,
6 "	do	1820-1-2,
6 "	do	1820-1-2 & 3,
12 "	do	1824-5-6 & 7,
12 "	do	1828-9-30 & 31.

Acts of Kentucky, Cr. by two sets filed in the Secretary's Office.

Letters from James Mead on Silk Worms, 1st Session	
20th Congress,	10 Vols.
Map of the Kentucky river, 9 pieces,	year, 1829,
Map of the Licking river, 9 pieces,	year, 1829,
Declaration of Independence, with part of the signatures cut off.	
Census of the United States,	
Marshall's life of Washington,	5 Vols.
Olfield's Borrough's,	5 do
Belknap's Biography,	2 do
History of Kentucky,	2 do
Seybert's Statistical Annals,	1 do
Internal Improvements,	1 do
Gallatin's Finances,	1 do
Bentham on Pauperism,	1 do
Caustice's Moral Philosophy,	1 do
History of England,	1 do
Education,	1 do
Bentham's Panoption,	3 do
Peace Established,	1 do
Bentham's Views,	1 do
United States' Armies,	1 do
Monroe's Claims,	1 do
Rules for Field Exercises,	1 do

Books purchased under the act of the last Session.

Thomas' Coke, 3vols.	\$14 00
Kent's Commentaries, 4vols.	14 60
Johnson's Chancery Reports,	49 03
Saunders on Uses,	4 09
Starkie on Evidence, 3vol s.	9 92
Roper on Wills, 2 vols.	7 00
Maddox's Chancery, 2 vols.	5 25
Fonblanques' Equity,	5 25
Bingham on Infancy,	2 34
Wheaton Selwyn, 2 vols.	9 34
Chitty on Pleading, 3 vols.	9 34
Do Contracts,	3 31
Comynon, do	2 92
Saunders' Reports, 3 vols.	9 34
Sugden on Vendors,	4 09
Powell on Mortgages, 3 vols.	7 00
Jones on Bailment,	1 60
Roberts on Frauds,	3 79
Do " Fraudulent Conveyances,	1 75
Condensed Reports United States,	23 35
Payley on Agency,	2 04
Gow on Partnership,	3 50
Taller on Executions,	3 50

Adams on Ejectment,	4 67
Long on Sales,	1 60
Balentine on Limitations,	1 50
Abbot on Shipping,	5 83
Phillips on Insurance,	4 09
Comyn's Digest, (calf),	40 86
Pierre Williams' Reports 3 vols.	10 09
Pothier on Contracts, 2 vols.	5 43
Coxes Digest, (calf),	7 00
Johnson's New York Reports, 20 vols.	85 22
	<hr/>
	\$363 73

The Library was indebted to Adam C. Keenon, in the following sums, to-wit:

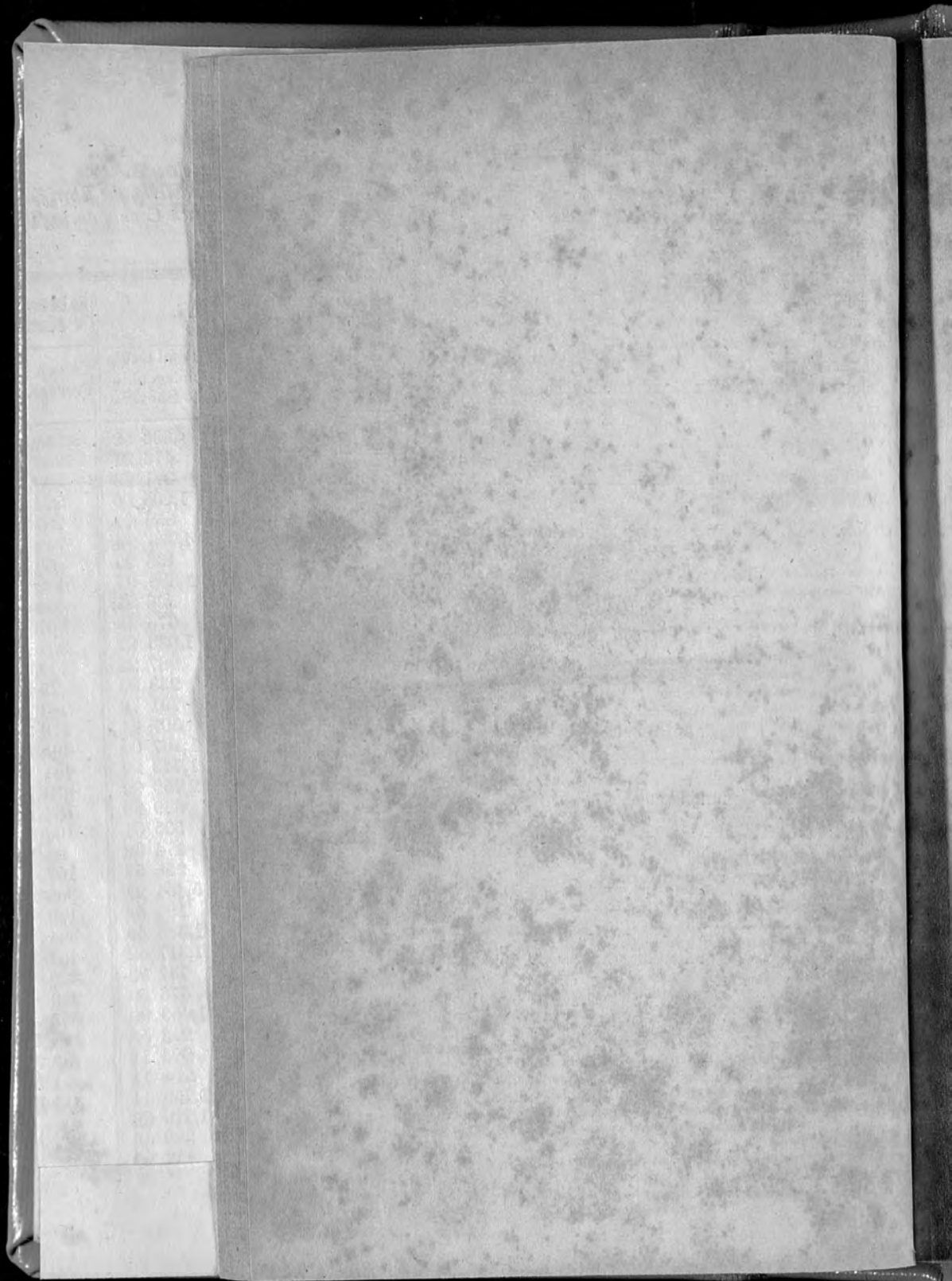
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All of which is respectfully submitted to your consideration.
GEORGE A. ROBERTSON.



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